



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

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6j/13-52-X
GSA

July 11, 1986

Ms. Marie T. Musante
Labor Relations Officer
General Services Administration
18th and F Streets, NW
Washington, DC 20405

Dear Ms. Musante:

This is in reference to your letter dated May 20, 1986, wherein you forwarded a draft proposal concerning GSA regulations on smoking in federal buildings.

AFGE recognizes that cigarette smoke is a significant health hazard to government workers, both smokers and non-smokers alike. Many of AFGE's locals have negotiated agreements for their co-workers. We believe that AFGE is in the forefront of protecting federal office workers from indoor air pollution, including exposure from cigarette smoke. We believe that non-smoking rules and regulations should be promulgated agency-by-agency and should be subject to collective bargaining on the substance, method, and timing of implementation under Title 7 of 5 USC. The GSA regulation, as proposed, preempts employee input through their union.

We believe that an effective agency program should include:

- Employer-supported smoking cessation programs, so that smokers can be assisted in voluntarily giving up smoking;
- Designated smoking and non-smoking areas, including prohibitions in certain types of facilities such as meeting rooms, auditoriums, and places where there is potential fire hazard;
- Improved ventilation in designated smoking lounges;
- Division of large spaces such as cafeterias and common workplaces into smoking and non-smoking areas;

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- Sufficient rest breaks for both smokers and non-smokers; and
- Total smoking bans could be implemented if arrived at through collective bargaining.

To summarize, the GSA's proposed rule is an attempt to interfere with workers' rights. It is AFGE's opinion that the approach outlined above is far superior to the broad-based and inflexible initiative proposed by GSA.

Moreover, AFGE believes that the issue of smoking is only part of a larger question of air quality in the federal worksite. The comprehensive NIOSH study on Indoor Air Pollution found that smoking was only one source of indoor air pollution. Poor ventilation, asbestos, ionization of air, and bacterial and fungal pollutants should all be the subject of strong, effective regulation. All serious effort to improve the health of federal employees must examine all sources of indoor air pollution and take affirmative action to solve any problem encountered.

There are other aspects of the GSA rule which are disturbing. It would permit smoking in open office workplaces, but would allow private offices to be designated as smoking areas. In a government law office, for example, the attorneys will, in general, not be affected but the typists, file clerks, and receptionists will. High-level managers will not be affected, but lower-level workers whose jobs must be performed in open office areas will. As these examples reveal, the smoking restrictions proposed by this rule will be directed disproportionately at employees at lower GS levels and the results are therefore discriminatory.

Such a double standard will undoubtedly create resentment, lower morale as well as the patently unfair treatment of certain workers.

The final point we wish to raise, and probably the most important, is the "human" factor. We are both aware that we are dealing with people who are physically and psychologically addicted to nicotine. In essence, the regulations provide that an estimated 300,000 federal workers who smoke are expected to quit smoking "cold turkey" even if they are permitted to smoke at breaks and/or lunchtime.

Agency managers must treat smoking as a health issue, i.e., alcohol and drug abuse, and prepare for a period of low productivity due to the physical and psychological withdrawal of nicotine.

Recognizing that cigarette smoking is a health hazard and highly addictive, AFGE strongly urges the creation of employer-supported

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voluntary smoking cessation programs to assist, encourage, and support workers who would like to "kick the habit."

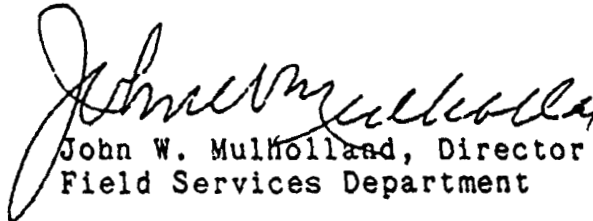
In conclusion, AFGE could support this regulation if it provides for:

1. Implementation through full collective bargaining;
2. Smoking cessation programs; and
3. Recognition that this is only the first step to cleaning up indoor air pollution.

While it is our policy to review each proposal presented to us for comment by the various agencies, it is not always possible for us to make a thorough critique of each document. Our comments, or the lack thereof, however, should not be interpreted as an endorsement of your agency's proposals. AFGE reserves the right to oppose any agency regulation which imposes an undue hardship or otherwise violates the rights of our members.

Finally, the new or revised regulation should not serve as a bar to negotiations with our councils and/or locals holding exclusive bargaining rights with your agency. Please forward to us a copy of the final regulation when issued.

Sincerely,


John W. Mulholland, Director
Field Services Department

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