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# Work rules tighten for smokers

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Smoke and work in a plant that manufactures asbestos products?

"It would be folly to do so," says James Leinweber, toxicologist for Manville Corp.

He says tobacco and asbestos have a "synergistic" effect that make them a particularly dangerous combination.

Two years ago Manville stopped hiring smokers at locations that use asbestos.

It also banned workers who already smoked from lighting up in the workplace and offered them and their spouses free enrollment in courses designed to help quit smoking.

The company hasn't prevented workers who don't work with asbestos from smoking and hasn't fired workers who smoked before the rule went into effect and continue to smoke on their own time.

Regina Carlson, who directs a non-profit company called New Jersey Gasp that tries to discourage smoking, said a growing number of companies think smoking is a dangerous-enough activity that they don't want to hire tobacco users.

"People are protected from discrimination for reasons of sex, age, race, national origin and other things that are not within their control," she said.

But there is nothing in the law to prevent a company from not hiring a smoker, an issue yet to be tested in court.

A check with the Equal Employment Opportunity Commission and the New Jersey Office of Civil Rights found neither charged with protecting "smokers' rights."

"It's not illegal as far as we're concerned. It doesn't fall under our jurisdiction," said Thomas Dove of the Newark EEOC office.

Pamela Poff of the Civil Rights office also said her office is not responsible for protecting smokers. She said nonsmokers have fought for the right for a smoke-free workplace on the basis that intolerance to smoke is a handicap and a handicapped person is guaranteed access to the workplace.

Doana Shimp, a New Jersey Bell employee, won a lawsuit in 1976 before the New Jersey Supreme Court, when she demanded that she be allowed to work in a smoke-free office.

She said her lawsuit was based on the common law doctrine that an employee is entitled to "a workplace free of recognized hazards."

Both her co-workers and customers who visit the New Jersey Bell service office where she works are prohibited from smoking.

A spokesman for New Jersey Bell says the company has no general prohibition against smoking, but he

said some workers are prohibited from smoking while performing specific tasks, such as those in manholes because of the danger of explosion and those around sensitive computer equipment that might be damaged by smoke particles.

A survey of local companies found others won't allow employees to smoke in certain parts of the plant or on the job, but none other than Manville that refused to hire people who smoke outside the workplace.

Even Carlson said she's not really in favor of companies refusing to hire people who smoke at home. "I recognize it's a pretty authoritarian and Draconian response to the problem. I think people who smoke are suffering enough already.

"I've noticed over the past few years more companies want non-smokers," said Sally Strand of the

Snelling and Snelling personnel agency in Morristown. "When I first started in this business eight years ago, it was hardly ever mentioned.

"There has also been an increase in the number of people that request to work in a non-smoking office. People used to just put up with it."

Karen Griffith, manager of the temporary help division of A-1 Personnel, also said she gets more requests for applicants who don't smoke, but "nobody I've worked for has refused an applicant because they smoked."

"It's never been that much of an issue to my knowledge," she added.

Griffith said she hasn't found companies absolutely opposed to hiring smokers — instead, they ask them to smoke only on breaks or outside the office.

Even the American Cancer Soci-

ety's North Brunswick office allows workers to smoke on the job, though it restricts them to doing so outside or in a small part of the snack room.

Donna Gulotta, a secretary at the Cancer Society who smokes, said she supports the smoking policy, saying the society "should maintain a certain image to the public."

She still smokes "a few cigarettes at night to relax," but she said one of the dividends of the policy is that "it has helped me cut down."

Dan Lynch, vice president of Kessler Ellis Products in Atlantic Highlands, said his company banned smoking at the plant on Jan. 1.

He said the company decided to phase in a non-smoking policy after an employee survey found that a majority of the workers didn't want smoking in the plant.

Originally, the company planned

to phase in the policy over a two-year period, but because a "surprisingly enthusiastic" response by employees said they wanted the policy speeded up, the company phased in a program in six months.

Workers now can smoke only in a small lounge during lunch and during two coffee breaks each day.

The company makes and imports counting and timing devices, but Lynch said the concept has nothing to do with quality control. It was done to make the workplace healthier. His firm, like many, has a high deductible on its health insurance policy and considers the non-smoking policy a way of lowering insurance costs.

"A person who smokes more is going to be ill more frequently, and over a 10- or 15-year period they're going to be less productive."

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