

## ANTI-DISCRIMINATORY EMPLOYMENT PROPOSALS

### ALABAMA

STATE ACTION: 1989 - \* **PENDING** - H437 - Would restrict smoking in workplaces with more than 20 employees and other public places -- Would require nonsmoking areas to be designated -- Would also prohibit "discrimination practiced by government or private employer in employment...based on whether a prospective or current employee is a smoker or nonsmoker

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### ARKANSAS

STATE ACTION: 1989 - **APPROVED** - Resolution directs House Speaker to appoint citizen committee to study potential public smoking policy concerns in the state, including smoker/nonsmoker discrimination  
1989 - **DEFEATED** - Would prohibit discrimination based on employee's smoking or nonsmoking preference -- Would provide for legal or equitable relief to employee who is discriminated against

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### DELAWARE

STATE ACTION: 1989 - \* **APPROVED** - Executive Order requires state government agency heads to restrict smoking -- Prohibits smoking in common-use areas; allows smoking areas to be designated in cafeterias and employee lounges; state government vehicles to be designated smoking or nonsmoking in proportion to employee preference but, if used to transport clients or general public, must be designated nonsmoking -- Also requires phasing-out of sale of tobacco products on state property by 1/1/90 -- Prohibits discrimination against state employees or applicants as a result of smoking habits, so long as they comply with smoking restrictions  
1989 - **PENDING** - S67 and S95 - Would restrict smoking in public office buildings owned/leased by state; person in charge would be responsible for designating smoking areas -- Would also prohibit hiring discrimination based on employee's smoking or nonsmoking preference -- Would preempt regulations by all government subdivisions, boards and commissions that are more stringent than state law

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### ILLINOIS

STATE ACTION: 1989 - \* **PENDING** - H378 - Would require designation of smoking and nonsmoking areas in workplaces and places designed to accommodate more than 10 members of the public at a time -- Would prohibit discrimination in employment on the grounds that an individual is a smoker -- Would preempt all local regulation of smoking

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MARYLAND

STATE ACTION: 1989 - **DEFEATED** - 2 Bills - Would make it unlawful employment practice to discriminate against individuals because of smoking/nonsmoking preferences -- Would prohibit requiring an employee to abstain from use of tobacco products outside the course of employment, so long as the employee complies with applicable laws or workplace smoking policy -- Would allow aggrieved employee or applicant to seek injunctive or other relief, including monetary damages.

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MISSISSIPPI

STATE ACTION: 1989 - **DEFEATED** - Resolution would urge public agencies of the state to comply with workplace laws and policies and to treat employees fairly and reasonably with respect to physical disabilities or non-work related activities

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MISSOURI

STATE ACTION: 1989 - **PENDING** - S440 - Would prohibit discrimination in employment based on employee smoking preference -- Would prohibit rules requiring employee or applicant to abstain from use of tobacco products outside the course of employment, as long as person complies with laws or workplace smoking policy

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OREGON

STATE ACTION: 1987 - **DEFEATED** - Would prohibit employer testing of employees for tobacco use  
1989 - **PENDING** - H2487 - Would prohibit employer testing of employees for tobacco use

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VIRGINIA

STATE ACTION: 1989 - **APPROVED** - Prohibits governments from requiring an applicant or employee "to abstain from smoking or using tobacco products outside the course of his employment." -- Exempts firefighters and police officers

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WASHINGTON

STATE ACTION: 1987 - **DEFEATED** - Would make it an unfair labor practice to terminate employment for personal habits of employee that bear no reasonable relationship to performance of duties  
1988 - \* **DEFEATED** - Would restrict smoking in state office buildings  
Would also provide that smokers not be discriminated against in hiring and prohibits retaliation against any employee exercising rights under this act

? ← { \* - <sup>BF</sup> Anti-smoking bills which also protect smokers against employment discrimination

DISCRIMINATORY EMPLOYMENT PROPOSALS

ARIZONA

	<u>APPROVED</u>	<u>DEFEATED</u>
?	Phoenix Firefighters	---

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CALIFORNIA

STATE ACTION: 1985 - **DEFEATED** - Would allow employers to require tests and examine prospective employees regarding legal activities only if information is reasonable and relevant to employment

1989 - **PENDING** - A2288 - Would amend state Fair Employment and Housing Act to make it an unlawful practice to discriminate against an employee or applicant "because of the person's assertion of the right to a smoke-free workplace"

	<u>APPROVED</u>	<u>DEFEATED</u>
1983	San Mateo Firefighters	1985 Eureka Firefighters
1984	Manteca Firefighters Police	1988 Sunnyvale City government
1985	Downey Firefighters	1988 Contra Costa County Firefighters; Sheriffs
1985	Monrovia Firefighters	
1985	Orange Police	
1986	Brea Firefighters	
1986	Kern Co. Firefighters	
1986	Laguna Beach Firefighters Police	
1986	S. Pasadena City jobs preference for nonsmokers	
1987	Montebello Firefighters	
1987	Watsonville Firefighters	
1988	Ventura Co. Sheriff's deputies, sergeants, and district attorney	

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COLORADO

	<u>APPROVED</u>	<u>DEFEATED</u>
1986	Bancroft District Firefighters	1986 Greeley Firefighters
1988	Denver Firefighters	
1988	Boulder Co. Sheriff's Dept.	
1989	Denver Police	

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## CONNECTICUT

- STATE ACTION: 1989 - **DEFEATED** - Would authorize local governments to require public safety employees to meet certain minimum physical standards in order to maintain eligibility for special heart and hypertension benefits (standards include nonsmoking)
- 1989 - **DEFEATED** - Would authorize local governments to require police officers and firefighters to meet certain minimum physical standards in order to maintain eligibility for special heart and hypertension benefits (standards include nonsmoking)
- 1989 - **DEFEATED** - Would require newly-hired police officers and firefighters to be nonsmokers as permanent condition of employment

		<u>APPROVED</u>			<u>DEFEATED</u>
?	Branford	Firefighters	1984	Meriden	Firefighters
?	Glastonbury	Police			
?	Manchester	Police			
?	Middletown	Firefighters			
		Police			
?	New Britain	Police			
?	Vernon	Police			
?	West Haven	Police			
?	Westport	Firefighters			
		Police			

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## FLORIDA

- STATE ACTION: 1985 - **DEFEATED** - 2 bills - Would presume that death or disability in firefighters due to cancer would have been contracted in line of duty unless evidence showed contrary. Second bill stated law enforcement officers might be ineligible for insurance benefits for heart disease as a work-related disability if shown to have risk factors predisposing individual to heart disease
- 1988 - **DEFEATED** - Would require new firefighters to certify under oath that they have not used tobacco products for at least one year prior to employment
- 1989 - **PENDING** - H1456 and S476 - Would require firefighters to be nonusers of tobacco products for at least one year prior to application

		<u>APPROVED</u>			<u>DEFEATED</u>
1985	Tallahassee	Police	1983	Tampa	Firefighters
1987	Hialeah	Firefighters	1984	Hialeah	Police
				Gardens	
			1985	Palm Beach Co	Firefighters
			1986	Clearwater	Firefighters

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## GEORGIA

		<u>APPROVED</u>			<u>DEFEATED</u>
		---	1988	Marietta	Board of Education employees

ILLINOIS

? Skokie APPROVED Firefighters Police DEFEATED  
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IOWA

APPROVED 1983 Iowa City Firefighters Police  
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1988 Clinton City employees DEFEATED

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KANSAS

STATE ACTION: 1989 - **DEFEATED** - Would amend police and firemen's retirement system to provide that disability benefits would not be allowed for "any death or disability caused, in whole or in part, by the member's use of tobacco or tobacco products or alcohol or illegal use of any drug or drugs"

1984 Wichita APPROVED Firefighters DEFEATED  
1986 Lawrence Firefighters ---  
1987 Douglas Co. Employees hired by sheriff's dept. and ambulance service

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MAINE

STATE ACTION: 1985 - **DEFEATED** - Would create presumption that firefighters suffering from cancer contracted it in line of duty and are eligible for workers' compensation unless disease was "occasioned by the willful intention of the employee to injure himself or another"

1983 Rockland APPROVED Firefighters DEFEATED  
1985 Brunswick Firefighters ---

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MARYLAND

1988 Montgomery Co APPROVED Firefighters and rescue workers DEFEATED  
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MASSACHUSETTS

STATE ACTION: 1986 - **DEFEATED** - Would prohibit hiring of smokers as firefighters, police officers or other public safety personnel  
1987 - **APPROVED** - Requires all public safety personnel hired after 1/1/88 to be nonsmokers

1985 Holden APPROVED Police DEFEATED  
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MINNESOTA

1987 Duluth APPROVED Firefighters 1986 Hennepin Co. DEFEATED County employees

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NORTH DAKOTA

STATE ACTION: 1986 - **APPROVED** - Governor's executive order approved Department of Health hiring policy giving preference to nonsmokers for department jobs

APPROVED --- 1986 Bismarck DEFEATED City hiring preference to nonsmokers

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OHIO

1983 Shaker Heights APPROVED Firefighters 1984 Streetsboro DEFEATED Police  
1984 Lakewood Firefighters 1986 Bowling Green DEFEATED City employees  
Police

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OKLAHOMA

1984 Oklahoma City APPROVED First-year Firefighters DEFEATED  
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1985 Tulsa Firefighters

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OREGON

1983 Salem APPROVED Firefighters DEFEATED  
1986 Portland Firefighters  
1987 Corvallis Police  
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PENNSYLVANIA

APPROVED  
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1988

Chambersburg

Firefighters  
Police

DEFEATED  
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RHODE ISLAND

APPROVED  
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1986

Narragansett

Firefighters

DEFEATED  
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SOUTH DAKOTA

APPROVED  
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1985

Aberdeen

Firefighters

DEFEATED  
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TENNESSEE

APPROVED  
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1988

Bartlett

City Employees

DEFEATED  
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VIRGINIA

APPROVED  
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1977

Alexandria

Police

1980

Alexandria

Firefighters

1984

Fairfax Co.

Firefighters

1988

Newport News

Firefighters  
Police

Police and  
Sheriff's  
Deputies

1985

Virginia  
Beach

Firefighters  
Police

DEFEATED  
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WASHINGTON

APPROVED  
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1988

Walla Walla

Preference to  
nonsmokers for  
city employment

DEFEATED  
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WISCONSIN

APPROVED

1985	Janesville	Firefighters
1987	Brookfield	Firefighters
1988	Waukesha	Firefighters

DEFEATED

1986	Fitchburg	Firefighters
		Police
1987	Orfordville	Future city
	employees--	
	excluded board	
	members	

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