

Firefighters OK Clause Banning Rookies Smoking On or Off Duty

By JOHN KENDALL, Times Staff Writer

Rookies who join the Los Angeles Fire Department sometime next year will have to agree not to smoke on or off duty, according to an agreement approved by the city's organized firefighters.

The no-smoking restriction is contained in a two-year agreement with the city ratified by the 2,400-member United Firefighters of Los Angeles City, Local 112. The memorandum of agreement awaits City Council approval, which city negotiators expect.

"What it does is require individuals to certify that they are nonsmokers," Assistant City Administrative Officer Jerry Selmer said Thursday. "It will apply to all newly hired firefighters."

The ban is expected to go into effect in mid-1988, when a new Civil Service list for firefighters is certified. After that, members of the department who pledge that they will not smoke will be asked to periodically sign an affidavit declaring that they are keeping their promise.

"As far as I know, we are the only large city that has this provision," Selmer said, noting that the anti-smoking rule has been adopted by several smaller California communities. Montebello approved a similar measure in January.

Selmer said the nonsmoking rule was requested by the city because state law provides that public safety officers who develop heart trouble, respira-

tory problems and cancer are deemed to have done so because of their jobs. The presumption has a direct effect on workmen's compensation payments or disability pensions.

"The city has a right to require that those individuals not engage in any activities or habits that might contribute to those conditions, such as smoking cigarettes," he said.

Selmer said he is confident that the ban would withstand challenges that it is a violation of an individual's rights, pointing to a recent U.S. Supreme Court ruling that such job-related requirements are legal.

Kenneth E. Buzzell, the union local's first vice president, said that when the smoking issue was placed on the bargaining table earlier this year the city wanted to bar all firefighters from smoking. But legal precedent seemed to rule that out, he said.

The union agreed to the smoking restriction because it is a "health and safety item," Buzzell said. "It will ultimately benefit all firefighters on this job."

He estimated that 19% of UFLAC's members smoke.

Smokers not covered by the new rule still will be permitted to light up in designated areas at the city's fire stations, he said.