

JUN 28 2013

MEMORANDUM OF AGREEMENT (MOA)

ON

Air Force Instruction (AFI) 40-102, "Tobacco Use in the Air Force,"

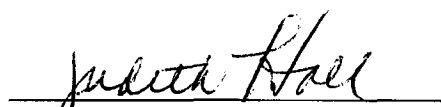
Dated 26 March 2012

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), hereafter referred to as the Union and Management, hereby enter into this Memorandum of Agreement regarding subject instruction as it applies to bargaining unit employees covered by the Master Labor Agreement (MLA) between the parties. This agreement hereby rescinds the following MOA's: Smoking Policy at AFLC Installations, dated 14 November 1986; Smoking in Air Force Facilities, 29 March 1978, dated 29 April 1987; AFR 30-27, Smoking in Air Force Facilities, dated 1 November 1988; and, AFMC Tobacco Reduction Policy, dated 1 April 1994.
2. AFI 40-102 outlines policy aimed toward oversight of tobacco use on Air Force Installations to minimize the adverse impact of tobacco use on health, mission readiness, and unit performance. AFGE Council 214 supports effective measures to protect employees from exposure to second hand tobacco smoke (STS). The Union also supports the rights of employees who opt to use tobacco products and their desire to do so while at work on AFMC bases. This agreement is to ensure that a balance is maintained between the rights of non-smokers to a smoke free environment and those of employees who choose to use legal tobacco products. The parties recognize where these interest conflict, an employee's right to breath smoke free air shall prevail.
3. Designated Tobacco Areas (DTAs) are defined in this agreement as Smoking Areas that have been bargained for employees to use if they opt to smoke tobacco products.
 - a. DTAs will be conveniently located near work areas a minimum of 50 feet from entryways and air intakes so as to prevent STS exposure to non-smokers. Specific locations of DTAs are authorized for local bargaining. DTAs near an explosive safety area must be approved at local level through base Safety.
 - b. While all DTAs should be reassessed for compliance with the AFI, the Agency agrees to allow existing smoking shelters to be left in their current location. Any DTAs without smoking shelters in place (hard structure) will be relocated to comply with the 50 foot requirement, unless it is not possible due to some physical limitation (e.g., cluster of buildings, trees/woods, road/flight line). In all cases, relocated DTAs shall be approved locally by mutual agreement of the parties. Any new DTAs or shelters will comply with the 50 foot requirements.
4. The use of smokeless tobacco products (defined as any tobacco product that consists of cut, ground, powdered, or leaf tobacco) shall not be restricted to DTAs, since this would subject users to second hand smoke. Smokeless tobacco use (excluding e-cigarettes) will be permitted in all workplace areas (inside and outside) subject to reasonable safety and sanitary conditions. Any safety issues relative to the use of smokeless tobacco products in the work areas are subject to local bargaining. E-cigarettes are defined as battery-operated products designed to deliver nicotine, flavor and other chemicals. They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user. E-cigarettes are not restricted to DTAs and are allowed to be used outdoors, at a reasonable distance from

building entry/egress points and users should not gather around these areas to prevent exposure to passers-by.


5. No restrictions shall apply to the use of nicotine gum or nicotine patches, as their use presents no hazard to fellow employees or to the public.
6. The MTF "campus" shall be defined as the area within 50 feet of the primary medical facility. By mutual agreement, parties at the local level may alter this definition but smoking will only be allowed a minimum of 50 feet from entryways and air intakes so as to prevent STS exposure to non-smokers. DTAs must be located for minimum visibility and should be easily accessible.
7. Child care facilities and playgrounds shall be smoke free. DTAs established subsequent to this agreement will be located a minimum of 50 feet from playgrounds and must limit visibility, provided they are easily accessible.
8. Tobacco use shall be prohibited in common thoroughfares such as sidewalks, etc. but generally permitted in large open outdoor areas, i.e. golf courses, parks, etc. outside a 50 foot radius from buildings. Employees shall be free to smoke inside their automobiles.
9. Restrictions on smoking while in military uniform shall not apply to Air Reserve Technicians (ARTs) when serving in a civilian capacity, until such time as bargaining is completed for AFI 36-801, which proposes ARTs wear the military uniform while performing civilian duties as an ART.
10. Smokers and non-smokers alike shall be afforded the same break opportunities consistent with good work practices and the accomplishment of the mission.
11. Management agrees to provide smoking cessation classes and nicotine replacement therapy supplies (e.g. nicotine patches) at no cost to employees who choose to quit smoking, subject to the availability of funds for this purpose.
12. All remedies available under the MLA or 5 U.S.C. 71 will remain available to the parties if concerns cannot be cooperatively resolved.

For Management / Date




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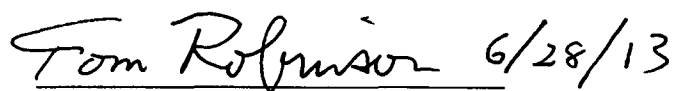
For the Union / Date



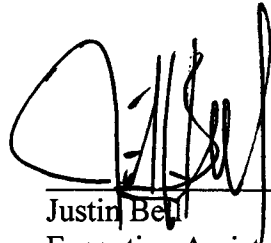
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6/28/2013

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