

# Clean Air Policy

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## Article I. Purpose and Policy

1-1. Purpose. It is the purpose of this Clean Air Policy to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Oneida Tribe.

1-2. Policy. The Oneida Tribe is committed to health and wellness in all forms. There is long standing evidence that smoking is harmful to oneself and that second-hand smoke is harmful to others. In an effort to provide a healthy environment for children, employees, and visitors, smoking will be restricted as described within this policy.

## Article II. Adoption, Amendment, Conflicts

2-1. This policy was adopted by motion of the Oneida Business Committee on May 25, 1994 and amended by resolution BC-02-24-10-I. The amendments adopted by resolution BC-02-24-10-I shall be effective July 1, 2010.

2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

2-4. In the event of a conflict between a provision of this policy and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this policy shall control. Provided that, nothing in this policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

## Article III. Definitions

3-1. This article shall govern the definitions of words and phrases used within this policy. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Building" means a structure that has a roof and more than two (2) substantial walls.

(b) "Indoor" means within the exterior walls of any building.

(c) "Main entrance" means the front entrance to any building, or any entrance a majority of the employees and public use to access the building.

(d) "Tribe" means the Oneida Tribe of Indians of Wisconsin.

## Article IV. Regulation of Smoking

4-1. Except as provided in 4-1(b)(1) and 4-2, no person may smoke:

(a) in any building owned or operated by the Tribe.

(b) within thirty (30) feet of any building owned or operated by the Tribe. Receptacles for disposing of smoking materials shall be maintained at least thirty (30) feet from the main entrances of the building.

(1) A person may smoke within thirty (30) feet of the Oneida One Stop outlets or the gaming establishments attached to the Oneida One Stop outlets. Receptacles for disposing of smoking materials may be maintained within thirty (30) feet of the

entrances of these buildings.

(c) in any vehicle owned or operated by the Tribe.

4-2. *Exceptions.*

(a) There shall be an exception for specific cultural uses for the reasonable burning of tobacco, sage, cedar, and/or sweetgrass. Employees working in the vicinity of this cultural use shall be notified prior to use.

(b) Specifically excepted from this policy are:

(1) the Irene Moore Activity Center, the Main Casino building, and the Mason Street Casino building. Smoking and non-smoking employee break rooms shall be provided in these buildings and shall have separate ventilation. Employees shall not smoke while working in these buildings, other than in the provided break room.

(2) residential buildings that are owned by the Tribe, including, but not limited to single-family dwellings, two-family dwellings and multiple-family dwellings.

(3) the Oneida Casino Travel Center and the Oneida One Stop Packerland.<sup>1</sup>

4-3. *Posting and Notices.* All Tribal buildings, except for those listed in 4-2(b), shall be posted “Non-Smoking” on entrances. In addition, the hallways, restroom facilities, and other public areas of these buildings may also be posted “Non-Smoking.” Signs shall be large enough that they can be viewed and read thirty (30) feet from the building.

4-4. *Violations.*

(a) Any building manager or designated agent of the Oneida Business Committee may file for injunctive relief with the Oneida Appeals Commission against any person who repeatedly or willfully violates this policy.

(b) An employee of the Tribe who violates this policy during his or her work hours may be:

(1) reprimanded for a first time violation;

(2) suspended without pay for one (1) week for a second violation; or

(3) terminated from employment for any violation thereafter.

*End.*

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Adopted - 5-25-94, motion, grace period for 30 feet until shelters complete, except for at educational facilities where minors are present.

Amended – BC-02-24-10-I

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<sup>1</sup> Smoking at the other One Stop Outlets and any attached gaming establishments is prohibited. These locations include: Oneida One Stop 54, Oneida One Stop E & EE, and Oneida One Stop Westwind.