Board of Supervisors Memorandum

December 16, 2014

Pima County Nicotine/Tobacco-Free Healthy Workforce Initiative

Background

As discussed in my July 25, 2014 memorandum, staff was directed to prepare proposed changes to the Merit System Rules (MSRs) and Personnel Policies (PPs) necessary to move forward with the Pima County Nicotine/Tobacco Free Healthy Workforce Initiative. The attached Merit System Rules and Personnel Policies are presented for Board of Supervisors approval (Attachment 1). Upon Board approval, changes will become effective July 1, 2015, which will provides sufficient time for employees to be notified and become familiar with the revised MSRs and PPs and how these changes may affect them.

Numerous studies have demonstrated that employees who use nicotine/tobacco products have a greater negative impact on healthcare and operations costs than employees who abstain from using nicotine/tobacco products. The attached report from Dr. Francisco Garcia, Health Department Director (Attachment 2), states "National estimates developed through scientific investigation suggest that each tobacco-using employee accounts for an average of $5,816 in increased employer expenses per year." Dr. Garcia further states this model would suggest Pima County incurs an estimated $13,400,064 in expenses related to tobacco use by employees each year. This estimate is made up of direct costs to the County's self-insurance trust fund and lost employee productivity.

As Pima County is now self-insured, these increased costs have a direct negative impact on the financial viability of the self-insurance trust fund. The Nicotine/Tobacco-Free Hiring Initiative combined with the lifestyle discounts and nicotine/tobacco surcharges promote a healthier workforce and greater accountability to the taxpayers who ultimately pay for the majority of County employees' medical care costs.

Rule and Policy Changes

Hiring

Effective July 1, 2015, all applicants for jobs in Pima County shall be required to certify they have been nicotine/tobacco-free for the previous 12 months. If the applicant cannot certify they have been nicotine/tobacco-free the previous 12 months, they shall be ineligible to apply for employment with Pima County until such time as he/she can certify having been nicotine/tobacco-free for 12 months. Existing internal candidates will not be affected.

Many cessation programs provide nicotine replacement therapy (NRT) products which ease the discomfort of nicotine withdrawal. These products contain various levels of nicotine that would trigger the employee to test positive. Since these products are intended to help the employee to become nicotine/tobacco free. Nicotine/tobacco-free does not refer to nicotine replacement therapy products (e.g., gum, patch, lozenges, inhaler, or nasal spray) that have been approved by the Federal Drug Administration.

Staff has received numerous questions about the legality of this policy. Federal law specifies that employers cannot refuse to hire someone based on age, race, disability, gender, and other protected classes. A federal court ruling in 1987 found that smokers are not a protected class entitled to special legal protections and that courts need no further rationale than the Surgeon General's warning on cigarette cartons: Cigarette smoking is hazardous to your health. In Arizona, individuals who choose to smoke or use nicotine products are not in a protected class.

Discounts and Surcharges

Existing employees (hired prior to July 1, 2015) shall not be affected by the revised hiring rules; however beginning July 1, 2015, current employees who are enrolled in the County's self-insured program will be subject to the new discount or surcharge rules. Those members who are nicotine/tobacco-free will take advantage of the current healthy lifestyle premium discount of $5.00 per pay period. Those members who are not nicotine/tobacco-free are not eligible to receive a discount and will be assessed a 30 percent premium surcharge. The surcharge will increase to 40 percent for Fiscal Year (FY) 2016/17 and to 50 percent for FY 2017/18 and subsequent fiscal years.

For single employee coverage, the current premium is $21 per pay period. In the first year the surcharge would be $6.30 per pay period, or $163.80 per year. Premium rates vary depending on the coverage option of each employee, i.e., single, married, family, etc. If the single employee was nicotine/tobacco free, he/she would qualify for a $5.00 discount per pay period and not pay the surcharge.

Current employees will be required to sign an affidavit and declare they are nicotine/tobacco-free and will remain so through the benefit year. An employee will only be subjected to testing should his/her Appointing Authority believe there is reasonable suspicion to do so. An employee found to be using nicotine/tobacco after signing an affidavit will be subject to corrective action in accordance with revised Personnel Policies, up to and including termination. The employee shall forfeit the premium discount and be assessed the appropriate surcharge.

Nicotine/Tobacco Cessation

Staff has prepared a comprehensive approach to a Nicotine/Tobacco-Free Healthy Workforce Initiative. There are numerous benefits to a nicotine/tobacco- free work force.

For the employee:

- A Nicotine/Tobacco-Free environment helps create a safer, healthier workplace.
- Employees who are bothered by secondhand smoke and or the odor of smoke will not be subjected in the work environment.
- Tobacco users who want to quit may have more reason to do so.
- Employees may have lower rates on health insurance coverage as costs associated with nicotine/tobacco use decreases.

For the employer the benefits are:

- Direct health care costs to Pima County may be reduced.
- Employees may be less likely to miss work due to nicotine/tobacco related illness.
- Nicotine/Tobacco bans in workplaces encourage employees to use replacement therapies to quit.
- Work places that are committed to the health of their employees become workplaces of choice.

A successful Nicotine/Tobacco-free Healthy workforce initiative must:

- Avoid stigmatization of tobacco users – focus on the smoke and the addictive nature of nicotine, not the user.
- Offer free, evidence based cessation programs that provide counseling with doctors, pharmacists, nurse or certified cessation specialists.
- Offer incentives to encourage employees to want to quit.

The program, as outlined in the attached power point, will provide many types of cessation programs that range in design and content; such as, person-to-person coaching, group settings, telephonic coaching, online programs & resources, low-cost or free NRT's and medically supervised intervention. Every effort will be taken to provide employees who want to stop the use of nicotine/tobacco products the opportunity and assistance to do so.

Recommendation

I recommend the Board of Supervisors approve the proposed revisions to Pima County and Law Enforcement Merit System Rules 4, 7 and 12 effective July 1, 2015. Additionally, I

recommend the Board of Supervisors approve the proposed revisions to Pima County Personnel Policies 8-114 and 8-122 effective July 1, 2015 and direct staff to move forward with implementation of the Nicotine/Tobacco-Free Healthy Workforce Initiative.

Respectfully submitted,

C.H. Huckelberry
County Administrator

CHH/mjk – December 3, 2014

Attachments

c: Jan Lesher, Deputy County Administrator for Medical and Health Services
Allyn Bulzomi, Director, Human Resources
Dr. Francisco Garcia, Director, Health Department

ATTACHMENT 1

4.1 RECRUITMENT AND ANNOUNCEMENTS

PIMA COUNTY IS A NICOTINE/TOBACCO-FREE EMPLOYER. BEGINNING JULY 1, 2015, ALL APPLICANTS SHALL BE REQUIRED TO CERTIFY THAT THEY HAVE NOT USED NICOTINE/TOBACCO PRODUCTS FOR THE TWELVE (12) MONTHS PRECEDING THE DATE OF APPLICATION. IF AN APPLICANT CANNOT OR DOES NOT CERTIFY HIMSELF/HERSELF AS A NON-USER OF NICOTINE/TOBACCO PRODUCTS FOR THE PRECEDING TWELVE (12) MONTHS, THE APPLICANT SHALL BE INELIGIBLE TO APPLY FOR EMPLOYMENT WITH PIMA COUNTY UNTIL SUCH TIME THAT HE/SHE CAN CERTIFY THAT HE/SHE HAS NOT USED NICOTINE/TOBACCO PRODUCTS FOR THE TWELVE (12) MONTHS PRECEDING THE DATE OF APPLICATION.

NICOTINE-FREE DOES NOT REFER TO NICOTINE REPLACEMENT THERAPY (NRT) PRODUCTS (E.G., GUM, PATCH, LOZENGES, INHALER, NASAL SPRAY) APPROVED BY THE FEDERAL DRUG ADMINISTRATION (FDA).

A. Recruitment

Recruitment efforts shall be planned and carried out in a manner that ensures open competition. Development and implementation of recruitment plans shall be a cooperative venture between departments and Human Resources and shall be based on projected workforce needs and labor market conditions, as well as the need for recruitment of minorities, women, and other groups where there is under-representation in the County's workforce.

1. Public recruitment: Unless otherwise allowed under these Rules, the County shall use public announcements to recruit for all vacancies.

2. Internal recruitment: If a vacancy exists in a classification less than grade 32, an internal promotional process shall be used. Any other County policy, resolution, other Board action or County program relevant to recruitment shall be included in this internal recruitment process. Positions identified by Human Resources as entry level and hard to fill positions are exempt from this internal recruitment process. For all other vacancies, departments are encouraged to recruit internally when there are a sufficient number of qualified applicants to ensure competition in the classification, as determined by Human Resources.

a. County-wide: Recruitment is limited to County employees.

b. Intradepartmental: Recruitment is limited to the department having the vacancy.

4.1 B. Announcements

1. All announcements shall specify the official classification title, classification code number, salary grade or open salary range, description of work to be performed or where this information may be obtained, the minimum qualifications and any selective criteria, the final date for receipt of applications or statement of continuous recruitment, the nature of the selection process and how to apply.

2. Public announcements shall be by public notice for a minimum of five (5) business days. Continuous announcements shall be open for a minimum of five (5) business days before any applicants are certified. Copies of public announcements shall be posted on the County's website and distributed to County departments and individuals and organizations as Human Resources deems appropriate.

3. An internal announcement shall be open for a minimum of five (5) business days and posted on the County's website.

4.2 APPLICATION PROCESS

A. All employment applications shall be in electronic format compatible with and prescribed by the County's electronic applicant tracking system.

B. Employment applications will only be accepted when a valid opening has been announced and during the opening period posted on the County's website.

C. Acceptance of an application into the County's applicant tracking system shall not be construed as incurring an obligation by the County.

D. Disqualification of Applicants

Human Resources may refuse to examine an applicant, or, after the selection process, may disqualify an applicant, remove an application, or refuse to certify an applicant if it is found that the applicant:

1. Does not meet the minimum qualifications established for the classification;

4.2 D. 2. Has made a false statement of material fact in the application process;

3. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in County employment;

4. Has directly or indirectly obtained information regarding any examination to which the applicant is not entitled;

5. Has failed to submit the completed application correctly or within the prescribed time limits;

6. Has taken part in the compilation, administration, or any part of the selection process in which he/she is competing;

7. Has previously been dismissed for a disciplinary reason from a position in County employment;

8. Has a record of conviction of a crime, the nature of which would affect the applicant's suitability for employment;

9. Has failed to appear for a scheduled examination or interview;

10. Has failed any phase of the selection process;

11. Has been determined by Human Resources to be unsuitable for employment for any job-related reason;

12. (EFFECTIVE JULY 1, 2015) HAS USED NICOTINE/ TOBACCO PRODUCTS DURING THE TWELVE (12) MONTHS PRECEDING HIS/HER APPLICATION DATE; OR

~~12~~**13.** ~~Or~~**HAS** otherwise ~~has~~ violated the provisions of the Arizona Revised Statutes (ARS), these Rules, or Pima County Personnel Policies.

4.3 ADMINISTRATIVE REVIEW

A. At any step in the selection process, within ten (10) business days of receipt of a notice of disqualification, or receipt of notice of selection results, an applicant may request an administrative review. A written request must be submitted to Human Resources, who shall provide a written response within ten (10) business days of receipt of request.

B. Human Resources may conduct further investigation and provide further response to the applicant as Human Resources deems appropriate.

4.4 ERRORS IN PROCESSING

Human Resources may correct clerical and other errors arising from oversight or omission at any time in order to adjust the status of an applicant. Such adjustment shall not, however, invalidate any certification or appointment action already taken.

7.1 CERTIFICATION

A. Once a requisition is received and recruitment, if required, is complete, Human Resources shall identify/certify eligible applicants to continue in the selection process. Only applicants who have been identified/certified by Human Resources will be authorized to participate in the selection process of the hiring department.

1. Reinstatement: When there are laid-off employees eligible for reinstatement to the requesting department, only the names of those employees who were laid off from that department and who meet the minimum qualifications for that position will be identified/certified. The department shall appoint from the identified/certified applicants, unless none of these employees accepts reinstatement.

2. Reemployment: If County-wide or intradepartmental recruitment is used, only the names of employees who have been laid off and who are eligible for reemployment for the classification requested will be identified/certified.

3. Rehire: A qualified permanent status employee, who resigned in good standing in accordance with Merit System Rules from the classification of Corrections Officer, Sheriff's 9-1-1 Dispatcher, or Sheriff's 9-1-1 Call Taker shall be eligible for rehire for a period of one (1) year from the date of separation. A written request and completion of an employment application are required in order to be identified/certified.

B. If intradepartmental, County-wide and public recruitment have been requested, identified/certified applicants may be categorized by their employment status and separate selection processes shall be initiated by the hiring department.

C. The identified/certified applicants for a public recruitment may contain both internal and public applicants.

7.2 TIMELINESS OF SELECTION PROCESS

A. Hiring departments have thirty (30) calendar days to conduct selection activities from the list of identified/certified applicants. The thirty (30) day period shall begin when the hiring department is notified by Human Resources of the availability of identified/certified applicants. Human Resources, giving consideration to the geographic area, type of position and other factors, may extend the time period that a hiring department may conduct selection activities for up to an additional ninety (90)

calendar days. The County Administrator may further extend the time period for conducting selection activities past the additional ninety (90) days.

B. A change in an applicant's status or application may affect his or her identification/certification as an eligible applicant.

7.3 APPOINTMENTS

A. Except as otherwise provided in these Rules, all appointments shall be made from the list of identified/certified applicants as determined by Human Resources.

B. A temporary appointment may be made for up to a maximum of eighteen (18) months.

C. An intermittent appointment shall not exceed one thousand forty (1040) hours worked per fiscal year without prior approval by the County Administrator, for up to a maximum of one thousand four hundred (1400) hours per fiscal year. An intermittent appointment may be continued from year to year without further certification. Intermittent appointments shall be made for non-exempt classifications only.

D. A reinstatement appointment may be made for a laid-off employee into a position of the same classification in the same department from which laid off, or the return of an employee as ordered by the Merit System Commission.

E. **BEGINNING JULY 1, 2015, ALL SELECTED APPLICANTS, AS A CONDITION OF EMPLOYMENT, SHALL BE REQUIRED TO SIGN ELECTRONIC OR PAPER AFFIDAVITS CERTIFYING THAT THEY HAVE NOT USED NICOTINE/TOBACCO PRODUCTS FOR THE TWELVE (12) MONTHS PRECEDING THE DATE OF APPLICATION. IF A SELECTED APPLICANT REFUSES TO SIGN THE AFFIDAVIT, HE/SHE SHALL BE CONSIDERED INELIGIBLE FOR EMPLOYMENT WITH PIMA COUNTY FOR A PERIOD OF TWELVE (12) MONTHS FOLLOWING THE DATE OF APPLICATION AND/OR REFUSAL.**

NICOTINE-FREE DOES NOT REFER TO NICOTINE REPLACEMENT THERAPY (NRT) PRODUCTS (E.G., GUM, PATCH, LOZENGES, INHALER, NASAL SPRAY) APPROVED BY THE FEDERAL DRUG ADMINISTRATION (FDA).

12.1 GENERAL PROVISIONS

A. Disciplinary Action

A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

B. Pre-action Meetings

Before a permanent employee is suspended, demoted for disciplinary reasons, reduced in pay for disciplinary reasons, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Rule 11.5 B. through D., a pre-action meeting shall be held. The affected employee shall receive written notice of the charges, an explanation of the department's evidence and an opportunity to address a department representative concerning the charges.

1. The pre-action meeting shall be held at a time when the employee is reasonably able to attend, with due notice, and prior to the effective date of the action.

2. Any relevant information presented by the employee regarding the proposed action shall be considered. The department representative will make a recommendation to the Appointing Authority to support, modify, or revoke the proposed action. If the recommendation and final action are adverse to the employee, the employee may appeal the action using the appeals procedure specified in Merit System Rule 14.

3. When a department determines that an employee should be out of the workplace while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to Personnel Policy 8-107.

C. Any of the Following Constitute Cause for Discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;

2. Incompetence;

3. Inefficiency;

4. Neglect of duty;

5. Insubordination, including, but not limited to, conduct which is unruly;

6. Dishonesty;

7. **TESTING POSITIVE FOR USE OF NICOTINE/TOBACCO PRODUCTS AS DESCRIBED IN PERSONNEL POLICY 8-114. THE TERM NICOTINE/TOBACCO PRODUCTS DOES NOT REFER TO NICOTINE REPLACEMENT THERAPY (NRT) PRODUCTS (E.G., GUM, PATCH, LOZENGES, INHALER, NASAL SPRAY) APPROVED BY THE FEDERAL DRUG ADMINISTRATION (FDA).**

~~7~~8. Possessing, dispensing, or being under the influence of alcohol, or any unlawful controlled substance such as a narcotic, barbiturate, marijuana, methamphetamine, or a tranquilizing or hallucinogenic drug, while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties. Under the influence of alcohol means either obvious impairment due to alcohol or a test result reflecting a blood alcohol content of .04 or greater.;

~~8~~9. Absence without leave without reasonable cause;

~~9~~10. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;

~~10~~11. Discourteous treatment of the public;

~~11~~12. Willful disobedience, i.e. a specific violation of a command or prohibition;

~~12~~13. Engaging in prohibited political activity;

~~13~~14. Misuse of County computers, County internet access, County email systems, or any other County electronic communication devices;

~~14~~15. Misuse of any County property and/or systems;

~~15~~16. Seeking to obtain financial, sexual, or political benefit from another employee with or without his/her consent, induced by wrongful use of force or fear, or under color of official right;

~~16~~17. Violation of the Rules of Conduct, Personnel Policy 8-119;

~~17~~18. Failure to satisfactorily perform job duties and responsibilities;

~~18~~19. Failure to maintain minimum qualifications for the position;

~~19~~20. Any other improper conduct or performance, which constitutes cause for disciplinary action.

12.2 TYPES OF DISCIPLINARY ACTIONS

A. Informal Discipline

1. Verbal Counseling

A supervisor may engage in verbal counseling with a permanent employee at any time for problem resolution. If the verbal counseling is documented, a copy of the documentation, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file and shall be automatically purged one (1) year from the date of the verbal counseling, unless an earlier removal is authorized by the Appointing Authority. Verbal counseling is neither grievable nor appealable.

2. Letter of Counseling

An Appointing Authority or designee may issue a Letter of Counseling to a permanent employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file and shall be automatically purged one (1) year from the date of issuance, unless an earlier removal is authorized by the Appointing Authority. A Letter of Counseling is neither grievable nor appealable.

B. Formal Discipline

1. Letter of Reprimand

An Appointing Authority or designee may issue a Letter of Reprimand to a permanent employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt. Copies of the Letter of Reprimand, with the employee's acknowledgement of receipt, shall be placed in the employee's department personnel file and filed with Human Resources once the grievance process is completed or the time frame for filing a grievance has expired.

2. Suspension

a. Suspension is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time in full day increments.

b. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.

c. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources and the Clerk of the Board once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.

3. Demotion

a. Demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or

conduct. An Appointing Authority or designee may demote a permanent employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification.

b. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the demotion to the Merit System Commission within ten (10) calendar days of receipt of notice.

c. The Notice of Demotion must be delivered to the employee prior to or no later than the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with Human Resources and the Clerk of the Board once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.

4. Dismissal

a. Dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious incidents or repetitions of improper performance or conduct. An Appointing Authority may dismiss a permanent employee for a disciplinary reason.

b. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Merit System Commission within ten (10) calendar days of receipt of notice.

c. The Notice of Dismissal must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Dismissal shall be filed with Human Resources and the Clerk of the Board once the merit system appeal process is completed or the time frame for filing a merit system appeal has expired.

12.3 ADMINISTRATIVE SUSPENSION

An Appointing Authority may impose a non-disciplinary suspension without pay or with reduced pay when a permanent employee is charged with a felony or other crime involving moral turpitude, or when it is deemed to be in the best interest of the County while an inquiry is being made into the conduct of the employee.

A. Permanent employees may be placed on administrative suspension for any appropriate length of time in full day increments. Exempt permanent employees may be placed on administrative suspension only without pay.

B. The Notice of Administrative Suspension shall contain the specific reason(s) for the administrative suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the administrative suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.

C. The pre-action meeting shall be held upon reasonable notice to the employee and at a time when the employee is reasonably able to attend.

D. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.

E. At the conclusion of the administrative suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.

12.4 SPECIAL OBSERVATION PERIOD

An Appointing Authority or designee may place a permanent employee on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. A Special Observation Period is a non-disciplinary action and may or may not be issued in conjunction with a disciplinary action. The Notice of Special Observation Period shall be separate from any accompanying disciplinary action documentation.

A. The Notice of Special Observation Period shall be provided to the employee in writing upon the effective date, and shall specify the conduct involved, the purpose of the observation period and the length of the period. Copies of the Notice of Special Observation Period shall be placed in the employee's department personnel file and filed with Human Resources for placement in the employee's official personnel file.

B. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) being monitored. Copies of the report shall be placed in the employee's department personnel file and filed with Human Resources.

C. Unsatisfactory performance or conduct during the Special Observation Period may result in disciplinary action taken during the Special Observation Period. Unsuccessful completion of the Special Observation Period may result in disciplinary action taken at the end of the Special Observation Period.

12.5 EFFECTIVE DATE

The demotion, administrative suspension, suspension, or dismissal for a disciplinary reason shall be effective on the date stated in the notice. The effective date of the action shall not be altered by the employee exercising the right of appeal.

12.6 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a willing person of the employee's choosing in a meeting where a Letter of Reprimand is being issued to the employee and at pre-action meetings held prior to issuance of disciplinary actions. The employee's assistant may speak on behalf of the employee and participate in the discussions with the employee during such meetings. The employee shall be given at least three (3) full work days' notice of the pre-action meeting or a meeting where a Letter of Reprimand is being issued. If the employee has not obtained an assistant within that period of time, management may proceed without further delay.

This ~~program~~ **POLICY** is established to reasonably ensure that compatibility exists between the physical/mental capability of the individual and the demands **AND/OR REQUIREMENTS** of the position being offered or held. **COUNTY GUIDELINES ARE SET OUT BY ADMINISTRATIVE PROCEDURES AND** ~~This program~~ shall be conducted in accordance with this Policy and in compliance with State and Federal law.

A. Post-Offer/**PRE-EMPLOYMENT** Evaluations **AND REQUIRED DOCUMENTATION**

EVALUATIONS AND/OR SUBMISSIONS OF PROOF (DOCUMENTATION) SHALL OCCUR ONLY AFTER CONDITIONAL OFFERS OF EMPLOYMENT HAVE BEEN MADE.

1. **SPECIFIC CLASSIFICATIONS:** Each individual selected for appointment to a pre-determined classification as a regular employee shall be required to submit to a post-offer evaluation given or authorized by the County. ~~Post-offer evaluations are set out by administrative procedures. The evaluation can occur only after a conditional offer of employment has been made.~~ The individual shall not begin employment, or in the case of an employee~~,~~ shall not be assigned to work in the new position, until the evaluation has been completed and information regarding the individual's ability to perform the job has been obtained.

2. **ALL CLASSIFICATIONS: EACH INDIVIDUAL SELECTED FOR APPOINTMENT ON OR AFTER JULY 1, 2015, SHALL BE REQUIRED TO SUBMIT PROOF THAT HE/SHE HAS NOT USED NICOTINE/TOBACCO PRODUCTS FOR THE PRECEDING TWELVE (12) MONTHS. ACCEPTABLE PROOF MAY INCLUDE A STATEMENT FROM THE APPLICANT'S HEALTH CARE PROFESSIONAL, DOCUMENTATION OF COMPLETION OF A SMOKING CESSATION PROGRAM, OR RESULTS FROM A NICOTINE SCREENING TEST OBTAINED BY THE APPLICANT. THE INDIVIDUAL SHALL NOT BEGIN EMPLOYMENT UNTIL ACCEPTABLE PROOF HAS BEEN PROVIDED.**

AN APPLICANT WHO CANNOT PROVIDE ACCEPTABLE PROOF AS DESCRIBED ABOVE SHALL NOT BE CONSIDERED FOR EMPLOYMENT AND WILL NOT BE ELIGIBLE TO APPLY FOR EMPLOYMENT FOR TWELVE (12) MONTHS FOLLOWING THE DATE OF APPLICATION.

B. **EMPLOYEE TESTING**

1. Random Alcohol and Controlled Substance Testing: Employees in positions which require a commercial driver's license will be tested for alcohol and controlled substances on a random basis. This unannounced random testing will be conducted in accordance with established administrative procedures and in compliance with State and Federal law.

2. Alcohol and Controlled Substance Testing Based on Reasonable Suspicion: If an Appointing Authority has reasonable suspicion that an employee is under the influence of drugs and/or alcohol while on the job, the Appointing Authority may require the employee to be tested for alcohol and/or controlled substances. The employee is to be transported to one of the County's occupational medicine providers immediately. The Appointing Authority taking this action shall inform Finance and Risk Management of the testing, but is not required to obtain prior authorization for such testing. The medical provider will require the employee to sign a medical consent form. The employee's written consent to the testing is necessary, and the employee shall be advised of his/her options and the consequences of refusing to consent. An employee who refuses to give written consent for the testing may be subject to disciplinary action up to and including dismissal.

3. **NICOTINE TESTING BASED ON REASONABLE SUSPICION: ANY EMPLOYEE MAY BE SUBJECT TO TESTING FOR USE OF NICOTINE/ TOBACCO PRODUCT(S) IF AN APPOINTING AUTHORITY HAS REASONABLE SUSPICION THAT THE EMPLOYEE HAS USED NICOTINE/TOBACCO PRODUCTS. THE EMPLOYEE'S WRITTEN CONSENT TO THE TESTING IS NECESSARY, AND THE EMPLOYEE SHALL BE ADVISED OF HIS/HER OPTIONS AND THE CONSEQUENCES OF REFUSING TO CONSENT. AN EMPLOYEE WHO REFUSES TO GIVE WRITTEN CONSENT FOR THE TESTING MAY BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL.**

   A. **ANY EMPLOYEE HIRED ON OR AFTER JULY 1, 2015, WHO SIGNED THE POST-OFFER/PRE-EMPLOYMENT NICOTINE/ TOBACCO-FREE AFFIDAVIT, AND TESTS POSITIVE FOR NICOTINE, SHALL FORFEIT THE NICOTINE/TOBACCO-FREE PREMIUM DISCOUNT. HE/SHE SHALL ALSO BE ASSESSED A PREMIUM SURCHARGE AS DETERMINED BY THE COUNTY, AND MAY BE SUBJECT TO CORRECTIVE/DISCIPLINARY ACTION.**

   B. **AN EMPLOYEE HIRED PRIOR TO JULY 1, 2015, WHO HAS SIGNED AN ELECTRONIC OR PAPER BENEFITS AFFIDAVIT CERTIFYING THAT HE/SHE DOES NOT USE NICOTINE/ TOBACCO PRODUCTS AND TESTS POSITIVE FOR NICOTINE, SHALL FORFEIT THE NICOTINE/TOBACCO-FREE PREMIUM DISCOUNT. HE/SHE SHALL ALSO BE ASSESSED A PREMIUM SURCHARGE AS DETERMINED BY THE COUNTY, AND MAY BE SUBJECT TO CORRECTIVE/DISCIPLINARY ACTION.**

C. **WHEN AN EMPLOYEE TESTS POSITIVE FOR NICOTINE, HE OR SHE MAY REQUEST A CONFIRMATORY TEST WITHIN TWENTY-FOUR (24) HOURS.**

D. **THE TERM NICOTINE/TOBACCO PRODUCTS DOES NOT REFER TO NICOTINE REPLACEMENT THERAPY (NRT) PRODUCTS (E.G., GUM, PATCH, LOZENGES, INHALER, NASAL SPRAY) APPROVED BY THE FEDERAL DRUG ADMINISTRATION (FDA).**

A. Coverage

1. The County offers group insurance coverage for its employees and their dependents as follows:

   a. Medical insurance;

   b. Dental insurance;

   c. Life insurance (basic and supplemental);

   d. Additional plans, as adopted by the Board of Supervisors. Such additional plans may be governed by Administrative Procedures.

2. An employee may be required to share the cost of insurance, except that the County pays for the entire premium cost of the basic life policy. **EMPLOYEES WHO USE NICOTINE/TOBACCO PRODUCTS SHALL PAY A HIGHER SHARE OF THE COST OF INSURANCE AS DETERMINED BY THE COUNTY EACH YEAR.**

   THE TERM NICOTINE/TOBACCO PRODUCTS DOES NOT REFER TO NICOTINE REPLACEMENT THERAPY (NRT) PRODUCTS (E.G., GUM, PATCH, LOZENGES, INHALER, NASAL SPRAY) APPROVED BY THE FEDERAL DRUG ADMINISTRATION (FDA).

3. Employees electing coverage may choose to cover eligible dependents.

B. Eligibility for Insurance Coverage

1. A regular full-time or part-time employee hired to work and receiving pay for twenty (20) or more hours per week, or forty (40) or more hours per pay period, is eligible. A variable-time employee hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, regardless of the actual number of hours worked, is eligible. A temporary employee extended beyond the first six (6) months of employment and hired to work and receiving pay for a minimum of twenty (20) hours per week, or forty (40) or more hours per pay period, is eligible.

2. If both spouses or domestic partners work for the County and are eligible for benefits, only one (1) person is allowed to cover eligible dependents. For the purpose of Pima County insurance coverage, an eligible dependent is a legally married spouse, domestic partner, natural born child, stepchild, adopted child of the employee or domestic partner, child who has been placed for adoption with the employee or domestic partner and for whom the application and approval procedures for adoption pursuant to ARS §8-105 or §8-108 have begun, and/or a child for whom the employee or domestic partner has obtained court ordered guardianship.

B. 3. An eligible child is insurable up to the age of twenty-six (26), regardless of the child's student or marital status or the availability of other employer-based coverage for that child. The employee must supply documentation to support the parent-child relationship and the age of the child. As an example, such document may include a birth certificate or applicable court order. An enrolled dependent child will continue to be eligible beyond the age of twenty-six (26) provided he/she is incapable of self-sustaining employment by reasons of intellectual disability or physical disability and is chiefly dependent upon the employee or enrolled domestic partner for support and maintenance. Restrictions may be placed on dependent coverage by an insurance carrier if the dependent is not living within the carrier's defined service area. At any time, an employee may be requested to document dependent status.

C. Enrollment and Effective Date

1. Insurance coverage becomes effective the first day of the month following completion of thirty (30) calendar days of eligibility. An eligible employee electing insurance coverage must enroll via the Benefits online enrollment system within the scheduled enrollment period or wait until the next annual enrollment period to obtain insurance coverage. Bi-weekly premium deductions will begin the first payday following enrollment.

2. A reinstated employee's insurance coverage becomes effective the first day of the month following reinstatement.

3. A reemployed employee shall be treated as a new employee.

D. Annual Enrollment

1. Annual enrollment for group insurance is held at least once a year and is scheduled by Human Resources. This is a specified period during which an eligible employee may enroll in, change or cancel medical/dental insurance, add eligible dependents, and cancel dependents. This also applies to supplemental and ancillary benefits.

2. Supplemental and dependent life insurance is available on an open and continuous enrollment basis. Evidence of insurability of all applicants, except newly eligible employees and dependent children, will be required.

E. Coverage Changes, Cancellation of Coverage, Qualifying Life Events

1. An employee may enroll in or cancel insurance coverage and/or add or delete dependents only during the regularly scheduled annual enrollment, unless a qualifying life event has occurred. A qualifying life event is defined to be:
   a. Marriage;
   b. Divorce;

E. 1. c. Legal separation;
d. The establishment or dissolution of a domestic partner relationship;
e. Birth;
f. Adoption;
g. Placement for adoption pursuant to ARS §8-105 or §8-108;
h. Court ordered guardianship;
i. Dependent leaves the service area (for certain medical and dental plans);
j. Employee's spouse, domestic partner or other dependent gains or loses other coverage;
k. Leave of absence without pay;
l. Dependent child attains age 26.

2. These changes must be made within thirty-one (31) calendar days of the date of occurrence. Premium changes will be effective the first payday following enrollment effective date. An employee may not change from one plan to another except during the scheduled annual enrollment period.

3. Cancellation of coverage shall occur for non-payment of premiums.

4. An employee's insurance coverage terminates at midnight on the last day of the month for which premiums were paid.

5. Unless a qualifying life event has occurred, an employee whose coverage has been canceled for non-payment in the current plan year may re-enroll for insurance coverage only during the next regularly scheduled annual enrollment.

6. Reinstatement of coverage following cancellation for non-payment of premium and outside of the annual enrollment period may be authorized by the County Administrator.

F. Leave Without Pay

1. An employee starting a leave of absence without pay may continue coverage under any of the County's group insurance programs based on policy guidelines of the plan.

2. An employee on a leave of absence without pay, who terminates prior to the end of such leave, shall be responsible for payment of insurance premiums up to the last day of employment.

3. If the employee's insurance coverage is terminated due to non-payment of premium, cancellation will be effective the end of the payroll period for which premiums were paid.

G. Leave Taken Under the Family and Medical Leave Act (FMLA)

1. When an employee is on an approved leave of absence without pay under the provisions of FMLA, the County will continue to pay to insurance providers the County's contribution for medical, dental and basic life insurance coverage. An employee taking leave under FMLA will be responsible for payment of the employee's share of premium costs for any County-sponsored insurance benefits.

2. An employee starting an FMLA leave of absence without pay may continue coverage under any of the County's group insurance programs by making benefit and payment arrangements with Human Resources prior to such leave.

3. The County may recover insurance premiums paid on behalf of an employee during an unpaid leave under the provisions of FMLA if:

   a. The employee fails to return from leave after the leave period has expired, and

   b. Fails to return for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to take FML, or other circumstances beyond the employee's control.

H. Retirement Benefits

In Arizona, retirement benefits, including health benefits for retirees of State and County government, are governed by Arizona statute. Pursuant to Arizona constitutional and statutory law, the State of Arizona has established, operates and maintains a retirement system, known as the Arizona State Retirement System (ASRS) for State and County employees. There are separate systems, also established by Arizona law, for law enforcement personnel, corrections system personnel, and county elected officials.

I. Complaints

Formal complaints may be made in writing to Human Resources.

J. Continuation of Group Medical, Dental and Employee Assistance Program Coverage

Under Public Law Number 99-272, as amended, certain employees and dependents are eligible to continue group medical benefits, dental insurance benefits and employee assistance program benefits. This continuation requires the eligible employee or dependent to pay the full premium (without County contribution) plus a 2% administration fee.

ATTACHMENT 2

PIMA COUNTY
HEALTH DEPARTMENT

MEMORANDUM

Date: 10 September 2014

To: Jan Lesher
Deputy County Administrator

From: Francisco Garcia, MD, MPH
Health Department Director
Donald Gates, PhD
Health Department Coordinator

Re: Cost Savings from Nicotine-Free Workforce Proposal Related to Employee Hiring Practices

The negative health impacts of tobacco use are significant and well-documented, as are the financial impacts on the tobacco user. While it is less commonly known, employers and insurers of tobacco users bear a significant financial burden as well. National estimates developed through scientific investigation suggest that each tobacco-using employee accounts for an average of $5,816 in increased employer expenses per year. This model would suggest Pima County incurs an estimated $13,400,064 in expenses related to tobacco use by employees each year.

Direct Costs

The direct costs, with estimates ranging between $899 and $3,598 per year, are excess health care expense borne by the employer. This is because tobacco users account for more hospital admissions, longer average lengths of stay when admitted, more total hospital days, higher average outpatient service costs, higher average insured payments, and significantly increased workers' compensation costs than non-users. The magnitude of these differences is displayed in Table 1.

Table 1

	Tobacco Users	Non-Users
Hospital admissions per 1000 employees[5]	124	76
Average length of stay[5]	6.47 days	5.03 days
Days hospitalized per 1000 employees[5]	800 days	381 days
Average outpatient service cost[5]	$122	$75
Average insured payment[5]	$1,145	$762
Average workers' compensation cost[2,4]	$2,189	$176

National figures suggest an increase in average annual claims payments of $383 for tobacco users compared to non-users. Federal medical privacy laws and ethical considerations preclude examination of individual medical records of our employees and their families, and therefore we cannot definitively link an individual beneficiary's expenditure with a smoking history. However looking at anonymized claims data provided by Aetna for the first year as a self-insured entity identifies some important trends. Half of the 18 claims in excess of $125,000 are among individuals

with diagnoses potentially attributable to, or exacerbated by, tobacco use. This represents $1.9 million in medical claims that were paid by Pima County. Additionally, there is a minimum of $649,000 in pharmaceutical costs associated with medication to treat conditions that are either caused or exacerbated by tobacco use. In fact, Aetna's national experience in this arena for 2013 confirms that on average tobacco use is associated with an additional cost of $25.80 per health plan member per month. Given that Pima County insures approximately 11,705 lives, the estimated cost of tobacco use in claims is approximately $3.6M on an annual basis. Reducing the rates of tobacco use will generate significant savings, and the amount of human suffering averted is inestimable.

Indirect Costs

Indirect costs include the increase in sick days taken by tobacco users (absenteeism), greater lost productive time (also called "presenteeism") during work days when the employee is present at work but is not engaged in productive work activity, and increased dependent medical care costs.[1,3,4,6]

Absenteeism because of tobacco-attributable sick days costs employers an average of $517 per tobacco-user per year beyond the same expense for non-smokers. Smokers in particular use 2.3 – 2.9 more sick days per year than non-smokers, resulting in decreased productivity with the same cost of employment.

Nationally, presenteeism costs employers an estimated $462 per tobacco user per year above the same expense for non-tobacco users, based on an average hourly cost of employment of $26.49. This represents time spent in tobacco-use habits and routines during work hours as well as decreased productivity secondary to tobacco use while not actively using. The American Productivity Audit indicates that lost productive time is 75 – 100% higher in smokers than non-smokers (2.32 – 2.86 hours/week for smokers vs. 1.43 hours/week for non-smokers), resulting in more than a day of lost productivity each month. Consider that four 10-minute "smoke breaks" during work hours results in approximately a month of work hours (40 min x 260 work days = 173 hours) without productivity.[6]

Projections

Estimates based on examination of multiple independent studies indicate that tobacco users cost employers between $2,885 and $10,125 more per year than non-users, with a computed best estimate of $5,816.[1] Pima County Human Resources survey data indicates that approximately 32% of the county workforce smokes or uses tobacco products. Based on the current workforce (7,200 employees) and assuming 32% tobacco users, tobacco use by county staff costs Pima County approximately $13,400,064 per year. Wellness initiatives aimed at tobacco cessation and other incentive plans will help reduce that figure, as will employee attrition, but only if those hired to replace departing employees are not tobacco users.

Based on an attrition rate of 12% (including resignation, termination and retirement) and assuming the percentage of tobacco-using employees is maintained across the attrited staff, an estimated 276 positions vacated by tobacco-using employees would be refilled with non-users, resulting in $1.46M in county cost savings following the first full year. Based on this projection, one year after

policy implementation 276 positions previous filled by tobacco-users will be filled with non-users, saving the County $1.46M over the course of the next year. That $1.46M will be saved again the following year, and so on, through the course of the projection, resulting in a 5-year savings of $7.29M for just those employees hired in the first year of the policy.

Table 2 shows the savings projections over a 5-year period using the 12% attrition rate, assuming no change in the total number of Pima County employees. Each successive year reduces the number of tobacco using employees by 12%. The total policy-linked reduction in tobacco using employees is multiplied by the savings per employee ($5,816), resulting in savings for that year. Given that approximately 26% of Pima County employees receive health benefits from outside the county, Pima County is not responsible for those employee's medical claims. The savings model accounts for this by removing the national estimate of total medical costs of $2,056 per employee per year from the projection ("Correction for non-PC Claims Costs" in Table 2).

Table 2

Year	Number of Pima County Employees	# of PC Tobacco Users (TU)	Total # of TU Replaced	Maximum Projected Savings	Correction for non-PC Claims Costs	Pima County Projected Cost Savings
1	7200	2304	276	$1,608,008	$149,611	$1,458,397
2	7200	2028	520	$3,023,054	$281,269	$2,741,786
3	7200	1784	734	$4,268,296	$397,127	$3,871,168
4	7200	1570	922	$5,364,108	$499,083	$4,865,025
5	7200	1382	1088	$6,328,423	$588,804	$5,739,618
						$18,675,994

Successive years will see fewer tobacco-using employees replaced (as the total number dwindles) and smaller single-year savings, but the aggregate savings over time (the savings for the employees hired in the current year plus all those hired in previous years, accounting for years of service) will continue to grow. The projected savings after five full years of policy implementation is $18.7M.

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3. National Business Group on Health, *Reducing the burden of smoking on employee health and productivity*, Center for Prevention and Health Services Issue Brief Vol 1 No. 5
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6. Stewart W., Ricci J., Chee E., Morganstein D., *Lost productive work time costs from health conditions in the United States: Results from the American Productivity Audit*, Journal of Occupational and Environmental Medicine, 2003 Dec;45(12):1234-46

ATTACHMENT 3

Nicotine/Tobacco Free Healthy Workforce Initiative

Pima County

Some Facts and Figures

- More than 75% of people dependent on nicotine products report they would like to quit (US Department of Health and Human Services, 2004) and may require up to 11 different quit attempts (Cohen et al., 1989).
- Approximately one-third of smokers attempt to quit each year, but less than 10% successfully achieve long-term abstinence (US Department of Health and Human Services, 2004).
- Most tobacco users relapse within three months of treatment (US Department of Health and Human Services, 2004).
- Treatment needs to acknowledge the probability of relapse and incorporate short-term relapse episodes into the ongoing wellness goal toward complete abstinence.
- The Centers for Disease Control and Prevention (CDC) estimate that the annual cost of tobacco use to an employer averages $5,455 per smoker per year.

Benefits of a Nicotine-free healthy workforce

For the employees:

- A nicotine-free environment helps create a safer, healthier workplace.
- Workers who are bothered by secondhand smoke will not be exposed to it at work.
- Tobacco users who want to quit may have more of a reason to do so.
- Employees may have lower rates on health insurance coverage as fewer employees use nicotine/tobacco products.

For the employer:

- Direct health care costs to Pima County may be reduced.
- Employees may be less likely to miss work due to tobacco-related illnesses.
- Nicotine/Tobacco bans in workplaces encourage employees who use these products to cut down or quit and help those who are already tobacco-free to stay that way.
- Workplaces that are committed to the health of their employees become workplaces of choice.

A Comprehensive approach to a nicotine/tobacco-free Healthy Workforce

Pima County's approach to providing a nicotine-free healthy workforce involves a comprehensive approach including:

- Avoiding stigmatization of tobacco users—focus on the smoke and the addictive nature of nicotine, not the user.
- Offering incentives to encourage employees to consider quitting.
- Enforcing the current tobacco-free campus policy.
- Creating and implementing a nicotine-free hiring policy.
- Creating and implementing a nicotine/tobacco surcharge for employees covered under Pima County's medical plan.
- Access to free and evidence-based counseling with a doctor, pharmacist, nurse or certified tobacco cessation coach.
- On-site group programs provided by Employee Wellness, the Health Department and other voluntary agencies.
- Access to free or reduced price Nicotine Replacement Therapies (NRT's).

Goals, Vision & mission

- **GOALS**
  - Reduce the number of employees who use nicotine/tobacco.
  - Reduce the absenteeism rate due to nicotine/tobacco-related health issues.
  - Reduce the health-care costs related to employee nicotine/tobacco use.
  - Reduce the proportion of nonsmokers exposed to secondhand smoke.
- **VISION**
  - To create a nicotine/tobacco-free workforce.
- **MISSION**
  - To promote individual and County responsibility to prevent and reduce nicotine/tobacco use through education, enforcement and engagement in tobacco control.

Pima County Demographics Tobacco Use (Aetna Online Health Assessment, 2013)

2013	2014
Health assessment (12mo) = 2,236	Health assessment (6mo) = 741
Tobacco users indicated = 32%	Tobacco users indicated = 31%
5,290 employees	5,304 employees
X 32%	X 31%
1,693 employees who use tobacco	1,644 employees who use tobacco

Healthy People 2010 Current Status and Targets

Current Status: Nationally 21% of adults smoke
Target: 12% or less of adults smoke

Affordable Care Act (ACA) Guidelines Smoking cessation requirements

The plans must cover at least two tobacco cessation attempts per year, including coverage for:

- Four tobacco cessation counseling sessions of at least 10 minutes each (including telephone counseling, group counseling and individual counseling) without prior authorization.
- All **FDA-approved** tobacco cessation medications, including both prescription and over-the-counter medications, for a 90-day regimen when prescribed by a health care provider and filled at a pharmacy, without prior authorization.
- Four visits and/or one 90-day supply of medications will equal one cessation attempt.

Nicotine Replacement Therapy (NRT) Products

- Effective May, 2014 prescribed NRT products are covered under pharmacy benefits package.
- Required under ACA Guidelines
  - All FDA-approved tobacco cessation medications, including both prescription and over-the-counter medications, for a 90-day regimen when prescribed by a health care provider and filled at a pharmacy, without prior authorization.
- The Health Savings Account (HSA) may be used to purchase any prescribed NRT products beyond the covered 180 day supply.

Nicotine Dependence Recovery Programs

Four or more sessions of at least 10 minutes, produce the highest abstinence rates (Fiore et al., 2008).

Evidence-based nicotine dependence recovery programs should include:

- **Person-to-person coaching**
- **Group Settings**
- **Telephonic coaching (Quitlines)**
- **Online programs & resources**
- **Low-cost or free NRT's**
- **Medically supervised intervention**

Nicotine Dependence Recovery Programs

Free or covered benefit:

- **Arizona Smoker's Helpline (ASHLine)** – 1:1 telephonic counseling, internet resources, and NRT products.
- **Become and Ex** – The American Legacy Foundation provides person to person and web-based group support.
- **CVS MinuteClinic – Start to Stop** - person-to-person consultation, NRT recommendations or prescriptions.
- **Nicotine Anonymous –** 12 Step group support for those who want to cease using tobacco and nicotine products.
- **Smokefree.gov** - Free online counseling, support, self-help materials and mobile text support services.
- **Smokefree.gov** – Free counseling and support available. Online programs, self-help guides and text messaging services available.

Nicotine Dependence Recovery Programs

At-cost Programs:

- **Aetna Healthy Lifestyle Coaching Tobacco Free** – telephonic outreach and 1:1 or group counseling, 8 week supply NRT, online information, outcomes reporting – Cost per participant
  - **Employees Only:** estimated 170 employees; $350 per participant per year = $59,500 per year, **or**
  - **Employees with Dependents**: 373 members; $1.15 PEPM = $73,000
- **Freedom From Smoking** – The American Lung Association (ALA) provides group clinics, online program & self-help book **-** ($15/month; $40/year)

Nicotine Dependence Recovery Programs

Internal Opportunities – Offer on-site 1:1 coaching

- **Healthcare Partnership** – Train the trainer to offer in-person brief and/or intensive counseling
- **WELCOAZ Health Coaching** – American Lung Association certified for 1:1 nicotine dependency counseling

Nicotine/tobacco Free Hiring Policy

Effective July 1, 2015

- Hiring contingent upon certification of being nicotine free for 12 months.
  - The term "nicotine/tobacco-free" does not refer to nicotine replacement therapy (NRT) products (e.g., gum, patch, lozenges, nasal spray, inhaler) approved by the Federal Drug Administration (FDA).
  - Does not apply to internal candidates or current employees.
- Applicants will be required to sign an affidavit attesting to being nicotine free and provide supporting documentation.
  - Employees hired after the effective date can be subject to discipline including termination.
- County will provide numerous resources to assist employees to quit the use of nicotine.

Nicotine/tobacco Surcharge FY 2015-2018

All employees who wish to avoid the nicotine/tobacco surcharge will be required to sign an affidavit attesting to being nicotine free.

- FY 2015-16: 30% surcharge*
- FY 2016-17: 40% surcharge*
- FY 2017-18: 50% surcharge*

- Completion of a treatment program that meets the ACA guidelines will be offered as a **reasonable alternative** to being nicotine/tobacco free and will be eligible to waive the surcharge.

Premium Example:

Premium: $21 employee only

Tobacco Surcharge: 30% or $6.30

Discounts: $0 - $20

Total Premium: $1 - $27.30 pay period

* The surcharge will be based on medical premiums before any discounts are applied.

Collateral/TimeLine

Collateral	Status	Effective Date
Tobacco-Free Environment in the County Workplace Administrative Procedure 3-4	Completed	January 1, 2013
Nicotine-Free Hiring Policy	In Progress	July 1, 2015
Surcharge Incentive	In Progress	July 1, 2015
Nicotine Dependency Recovery Programs	Continuous	Continuous
Nicotine-Free Affidavit	In Progress	Open Enrollment
Change of Status Affidavit	In Progress	July 1, 2015
Communication/Promotion	Continuous	Continuous
Management/Employee Education	In progress	Continuous