

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 9**

SUBJECT: Update Section 10 of the Personnel and Procedures Manual to Include Tobacco Free Workplace provisions.

DATE OF MEETING: August 19, 2013

OVERVIEW/SUMMARY: As part of Flagler County's commitment to employee wellness, increased productivity, and decreased health insurance costs, staff is recommending that Flagler County include nicotine testing as part of its pre-employment screening process, for all job applicants effective October 1, 2013. A prospective employee with a confirmed positive nicotine test will not be considered for employment for a (12) twelve month period following the date of the test. The cost for adding nicotine screening to the existing drug screen will be \$5.00 per test.

It is only after the County extends a conditional job offer that the testing will take place. The testing will be conducted at the Employee Health Center as part of the urine drug screen analysis that is conducted at the time of the pre-employment test. Nicotine tests results are on a pass/fail basis. In addition to the pre-employment nicotine test, job applicants must also sign an affidavit affirming that the applicant will remain tobacco free during his/her employment with the County. A violation of the policy may subject the employee to termination.

Current employees are not impacted by this policy. The new policy will become effective October 1, 2013. Note that Flagler County does offer free tobacco cessation classes and additional benefits for Nicotine Replacement Therapy through the Health Insurance Plan for those current employees who are interested in quitting.

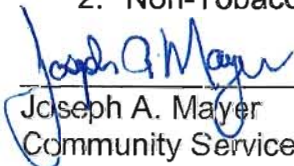
FUNDING INFORMATION: The \$5.00 cost for the required nicotine testing will be added to the existing pre-employment drug screen budget.

DEPT./CONTACT/PHONE #: Joseph A. Mayer, Community Services Director
(386) 313-4033

RECOMMENDATIONS: Request the Board approve the update to the Personnel Policy to include Tobacco Free Workplace provisions.

ATTACHMENTS:

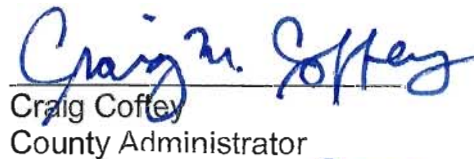
1. Excerpt Section 10 of the Personnel and Procedures Manual
2. Non-Tobacco User Affidavit



Joseph A. Mayer
Community Services Director

8-5-13

Date



Craig Coffey
County Administrator

13 AUG 2013

Date

Deputy County Admin
Financial Services
Legal

| Initials | Date |
|----------|---------|
| SS | 8-8-13 |
| LM | 8-8-13 |
| KKS | 8-12-13 |

SECTION 10

COMPETITIVE AND MEDICAL EXAMINATIONS

PRE-EMPLOYMENT DRUG SCREENING

1. Pre-employment drug screening and the release of results to the County shall be required as follows:
 - a. All prospective employees.
 - b. Non-uniformed employees who are applying for "uniformed" positions within The Emergency Services Fire Rescue Division.
 - c. As may be required by federal law, state statute, or other regulations.
 - d. All applicants appointed to special risk/safety sensitive positions
2. Appointment action for the identified position shall be contingent upon successful completion of the pre-employment drug test. The prospective appointee shall not be authorized to begin employment until completion of the drug screening test process.
3. Refusal to submit to a drug test, refusal to release the results or a Positive confirmed drug test shall be the basis for refusing to hire a job applicant.
4. An applicant shall not be denied employment without a confirmation test which has been verified.
5. Upon receipt of a confirmed, positive test result, the County shall inform a job applicant of the test result, the consequences of such results, and the options available to the applicant.
 - a. Within five (5) working days after receiving notification, an applicant may submit to the County a written appeal which contains information explaining or contesting the test results; and why the results do not constitute a violation of this policy:
 - b. A job applicant will be notified if a written appeal is rejected.
6. A job applicant will be ineligible for employment during the twelve (12) months following the positive drug test and until he receives a negative test result.
7. During the period that an applicant seeks an administrative appeal, the County shall not be required to hold the position vacant for which the applicant originally applied.
8. Should a job applicant prevail in the administrative appeal, the County shall provide the applicant the opportunity of applying for employment in the next available comparable position.
9. Except as provided under the Public Records Act, all documentation gathered under this section shall be retained in the Human Resources office and shall be classified as

SECTION 10

COMPETITIVE AND MEDICAL EXAMINATIONS

confidential and not available for public inspection. All medical information will adhere to the Health Information Portability Accountability Act (HIPAA) regulations.

TOBACCO FREE WORKFORCE

Flagler County will not consider job applicants who have used tobacco products for a period of at least one year prior to the submittal of the application for employment. "Tobacco products" include, but not are not limited to, cigarettes, chewing tobacco, pipes and snuff. All applicants for employment must sign a Non-Tobacco Use Affidavit and successfully pass a pre-employment nicotine screening test which shall be conducted in conjunction with the pre-employment physical and drug screening. In order to ensure the continued non-usage of tobacco products, persons employed by the County subsequent to October 1, 2013 may be subject to immediate discharge if they begin using tobacco products. Employees who were hired before October 1, 2013 are exempt from this policy.

Human Resources

1769 E. Moody Blvd Bldg 2
Bunnell, FL 32110



www.flaglercounty.org

Phone: (386)313-4007

Fax: (386)313-4107

AFFIDAVIT

State of Florida

County of _____

Before me this day personally appeared _____, who being duly sworn, deposes and says:

1. I am of legal age, under no disabilities, and fully competent to execute this Affidavit.
2. I hereby affirm that I have not been a user of tobacco products (including, but not limited to, pipes, cigarettes, chewing tobacco and snuff) for at least one (1) year immediately preceding my application for employment, and I will continue to be a non-user of tobacco products throughout my employment with the Flagler County Board of County Commissioners, or I will be subject to termination.

Under the penalties of perjury, I declare that I have read this Affidavit and the facts stated in it are true.

Affiant's Signature _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____,

20_____, by _____

who is personally known to me, or has produced _____

as identification.

Notary Public

Notary Seal