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## **HUMAN RESOURCES POLICIES AND PROCEDURES**

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### **Policy Name:** TOBACCO AND NICOTINE USE IMPACT ON EMPLOYMENT

**Policy Purpose:** To define and communicate Main Line Health's (MLH's) policy on the employment of tobacco and nicotine users; both applicants for positions as well as current employees. The policy establishes procedures for MLH entities to not hire anyone who is a Tobacco or Nicotine User as defined in this Policy and to create incentives for employees hired before the implementation of this Policy who participate in the MLH medical plan to no longer use tobacco or nicotine.

**Policy Statement:** MLH is committed to providing a safe and healthy workplace for its patients, family members, and employees. In an effort to achieve this goal, effective May 1, 2014 (July 1, 2014 for Medical Residents), MLH no longer hires anyone who uses tobacco or nicotine in any form. Effective January 1, 2015 all Medical Plan participants, regardless of hire date, using tobacco or nicotine products in any form, will not be eligible for a discount on their bi-weekly Medical Plan contributions and will not be eligible for rewards under the MLH Making Life Healthy program while they are users of tobacco or nicotine products.

### **Scope –Tobacco and Nicotine Free Hiring:**

Employment offers at all MLH entities and locations are contingent upon: (1) a written certification by the job candidate that he or she has not used tobacco or nicotine products in any form in the 90 day period prior to submitting an electronic application to MLH; (2) non-tobacco and nicotine use being verified by a negative lab screening result for the presence of nicotine on the mandatory post-offer, pre-employment drug screen required of all employees and, (3) written acknowledgement that the applicant will not use tobacco or nicotine products in any form while employed by MLH. A "Tobacco or Nicotine User" is an individual who uses cigarettes, chewing tobacco, snuff, cigars, pipes, nicotine replacement products, e-cigarettes containing nicotine, or any product or substance containing nicotine.

The policy will not apply to temporary employees of an outside agency, employees of contractors/vendors working in MLH facilities (except for employees of Jones Lang LaSalle Americas, Inc.) or individuals who work as a volunteer in a MLH facility. These individuals will continue to be required to comply with the MLH Smoking Policy.

**A. Tobacco and Nicotine Free Hiring Process Procedure:**

1. Applicants will be asked to certify as part of the employment application process, that they have not been a Tobacco or Nicotine User in the past 90 days and that they will not become a Tobacco or Nicotine User while employed by MLH. Only applicants who can certify that they have not been a Tobacco or Nicotine User in the previous 90 days will be permitted to complete the application process.
  - a. Applicants who certify to being a Tobacco or Nicotine User may reapply when he/she can truthfully attest that he/she is currently not a Tobacco or Nicotine User and has not been a Tobacco or Nicotine User for the previous 90 days. A nicotine screening lab test will be included in the post-offer, pre-employment testing administered by MLH Occupational Health. All employment offers are contingent upon a negative screening result for the presence of tobacco or nicotine. A positive screening result for the presence of tobacco or nicotine will be considered definitive proof the applicant is a Tobacco or Nicotine User. MLH will not consider any explanation for the positive drug screen (exposure to second-hand smoke, use of nicotine replacement products in a tobacco use cessation program, etc.) to permit an exception to rescission of the employment offer as required by this Policy.
2. MLH will rescind employment offers made to individuals who receive a positive screen result for the presence of tobacco or nicotine. They may reapply for open positions at MLH after 90 days have passed from the date MLH rescinded the offer.
3. Candidates who reapply must complete all tobacco free hiring processes post-offer, pre-employment requirements in the event of an offer.
4. Employees who terminate employment with MLH for at least 45 days and apply to be rehired will be considered new applicants and treated, for purposes of this Policy, as an employee hired after May 1, 2014.
5. The hiring requirements applicable to all employees whose date of hire is on or after May 1, 2014 do not apply to employees whose date of hire is prior to May 1, 2014 and who apply for an internal transfer to a different position within MLH.

**B. Medical Plan Deduction for Non-Tobacco / Non-Nicotine users:**

1. All employees enrolling in a MLH Medical Plan option effective January 1, 2015 or thereafter will be required to certify, as part of the Open Enrollment process, their current status as a Tobacco or Nicotine User. Employees will have 3 options available:
  - a) Certify that they are not a Tobacco or Nicotine User – these employees will be eligible for a discount on their bi-weekly Medical Plan contributions.
  - b) Certify as a Tobacco or Nicotine User – these employees will not be eligible for the discount.
  - c) Certify as “Plan to Quit” – these employees will receive the same discount as Non-Tobacco Users, providing they meet all requirements in section 2 below. By selecting this option the employee is agreeing to enroll in an approved tobacco cessation program within 30 days of benefits enrollment and complete all requirements of the program as described in section 2 below. There are no costs to the employee for participating in either tobacco cessation program.
  
2. Plan to Quit Requirements:
  - a) Enroll within 30 days of the deadline for selecting the Plan to Quit option. Employees who select this option can enroll in either the SMOKEFree program offered by MLH Community Health, or the telephonic coaching program offered by Redbrick Health.
  - b) Complete a minimum of 5 group sessions in the MLH SMOKEFree program.  
OR
  - c) Complete at least 5 calls within 4 months of program enrollment with a RedBrick Tobacco Cessation Coach.

C. Once employees complete all requirements in #2 above; they will begin receiving the Non-tobacco/nicotine discount on their medical plan contributions. They will also receive a onetime payment retroactive to January 1 for the pay periods which did not include the discount. Employees who are non-compliant with these requirements will not receive the non-tobacco/nicotine discount for the current benefit plan year.

D. Employees may change their certification during the plan year if their smoking status changes.

1. Employees changing from Tobacco or Nicotine User to non-Tobacco User status must certify they have been tobacco and nicotine free for the preceding 90 days and receive a negative screen result for the presence of tobacco or nicotine. The premium discount will be implemented as soon as administratively possible after the certification and confirmation by the tobacco and nicotine screening results are received.
2. Employees voluntarily changing from a non-Tobacco User to Tobacco User status will have the premium discount removed from their Medical Plan bi-weekly payroll contributions as soon as administratively possible after the certification has been changed to Tobacco User status. Employees hired on or after May 1, 2014 and employees hired before May 1, 2014 who falsely certify that he or she is not a Tobacco or Nicotine User shall be subject to the Performance Management Actions set forth in this Policy.
3. All employees will be subject to the Performance Management Action set forth in this Policy.

**E. MLH Making Life Healthy Program Reward Eligibility:**

1. If an employee who is enrolled in a MLH Medical Plan option on January 1, 2015 or thereafter certifies at Open Enrollment or at any other time that they are a Tobacco / Nicotine user they are not eligible for the wellness rewards program. If an employee selects the Plan to Quit option, they are also not eligible for the wellness rewards program.
2. If an employee completes the requirements listed in this policy to change their status from Tobacco user, to Non-Tobacco user, they will become eligible for the wellness rewards program, from that date forward.

**F. Performance Management Process Procedure:**

The employees who are found to be in violation of this policy by continuing tobacco and nicotine product use or falsifying their tobacco or nicotine use certification may be subject to disciplinary action under the Performance Improvement in a Just Culture Policy as set forth in the Performance Management Summary Chart in this Policy. Employees who are seen using tobacco or nicotine products in any form, employees who smell of tobacco and employees found in the possession of tobacco or nicotine products in any form will be required to submit to a mandatory drug screen for the presence of tobacco or nicotine. Refusal to agree to the screen will be considered insubordination and shall be grounds for termination.

The attached Performance Management Summary Chart summarizes how the Performance Management Process will be applied to all employees who are found to be in violation of this Policy.

**Responsibility:**

1. The System Director, Recruitment will be responsible for implementing and managing the application of the tobacco and nicotine free hiring section of this policy.
2. The System Director, Employee Benefits will be responsible for implementing and managing the application of the Non Tobacco, Non Nicotine User premium discount and Making Life Healthy Program eligibility sections of this policy.
3. Employees covered by this policy are responsible for accurately certifying their status as user of tobacco or nicotine products.
4. Employees and Managers are responsible for bringing to the attention of Human Resources Management incidents of tobacco or nicotine use by MLH employees.
5. Human Resources Management and Managers are responsible for ensuring that employees comply with this policy and the Performance Improvement in a Just Culture Policy is implemented when necessary.

**Reference:** Performance Improvement in a Just Culture Policy; Smoking Policy

**Origination Date:** May 1, 2014  
**Review Date:** January, 2015  
**Revision Date:** April, 2015; January, 2015

## Performance Management Summary Chart

	Date of Hire before 5/1/2014		Date of Hire on or after 5/1/2014	
	How Policy Violation is Discovered	Performance Management Actions	How Policy Violation is Discovered	Performance Management Actions
<b>Tobacco and Nicotine Free Hiring Process</b>	<b>Employee voluntarily discloses policy violation</b>	None	<b>Employee voluntarily discloses policy violation</b>	Mandatory referral to smoking cessation program
		None		Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco and nicotine use, subject to additional discipline including termination for failure to comply with condition of employment agreed to at hire
	<b>Employee discovered to be violating policy (No self disclosure)</b>	Mandatory referral to smoking cessation program	<b>Employee discovered to be violating policy (No self disclosure)</b>	Mandatory referral to smoking cessation program
		Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco and nicotine use, subject to additional discipline including termination for failure to comply with condition of employment agreed to when hired.		Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco and nicotine use, subject to additional discipline including termination for failure to comply with condition of employment agreed to when hired
<b>Non-Tobacco User Premium Discount</b>  <b>For Employees who certified as Non-tobacco users at open enrollment</b>	<b>Employee voluntarily discloses he or she has begun or resumed tobacco or nicotine use</b>	Loses \$20.00 per pay premium discount in paycheck	<b>Employee voluntarily discloses he or she has begun or resumed tobacco or nicotine use</b>	Loses \$20.00 per pay premium discount in paycheck
				Mandatory referral to smoking cessation program.
	Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco and nicotine use, additional discipline including termination for failure to comply with condition of employment agreed to when hired			
	<b>Employee discovered to be have begun or</b>	Loses premium discount per pay in paycheck	<b>Employee discovered to have</b>	Loses premium discount per pay in paycheck

	Date of Hire before 5/1/2014		Date of Hire on or after 5/1/2014	
	How Policy Violation is Discovered	Performance Management Actions	How Policy Violation is Discovered	Performance Management Actions
<b>Non-Tobacco User Premium Discount(continued)</b>	resumed tobacco or nicotine use (No self disclosure)		began or resumed tobacco or nicotine use (No self disclosure)	Subject to disciplinary action for falsifying company records.  Mandatory referral to smoking cessation program.
		Subject to discipline up to and including termination for falsifying company records. Employee becomes subject to the tobacco and nicotine use policy applicable to employees hired after May 1, 2014		Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco and nicotine use, additional discipline including termination for failure to comply with condition of employment agreed to when hired
		Mandatory referral to smoking cessation program		
		Random follow up nicotine lab test screenings for a 2 year Probationary Period (Note 1). If employee does not cease tobacco use, additional discipline including termination.		
<b>Making Life Healthy Program Rewards Eligibility</b>	<b>Employee voluntarily discloses policy violation</b>	Not eligible for rewards program	<b>Employee voluntarily discloses policy violation</b>	Not eligible for rewards program
	<b>Employee discovered to be violating policy</b>	Not eligible for rewards program	<b>Employee discovered to be violating policy</b>	Not eligible for rewards program
	<b>Employee completes requirements for status change from tobacco user to non-tobacco user (see section D.</b>	Will then be eligible for rewards program from the date of status change forward		Eligible for Rewards

Note 1: Random nicotine screening will begin in the 6<sup>th</sup> month of the probationary period to give employees an opportunity to complete their smoking cessation process. During this 6 month period employees may continue using either nicotine based or non-nicotine based smoking cessation products.

Employees failing the initial random nicotine testing will be given a second opportunity to pass the nicotine testing later in the probationary period. Failure to pass the second nicotine test will lead to disciplinary action under the Performance Improvement in a Just Culture Policy up to and including termination of employment.