




**CITY OF DUBLIN
ADMINISTRATIVE ORDERS
OF THE CITY MANAGER**

ADMINISTRATIVE ORDER 3.16
TO: All Permanent Full Time
FROM: Dana McDaniel, City Manager 
SUBJECT: Nicotine Testing Program
DATE: June 24, 2022
<i>Supersedes and replaces Administrative Order 3.16 dated May 18, 2011, regarding same subject.</i>
PROPONENT: Division of Human Resources

1. INTRODUCTION & PURPOSE

A. In an effort to promote and encourage our employees to develop healthier lifestyle behaviors and create a standard of conduct for City employees that is consistent with the City's Healthy by Choice program, an employee nicotine testing program has been established. The purpose of this Administrative Order is to establish a program, implement procedures governing the administration of the program, and to publish a policy statement regarding the establishment of the program.

B. The City implemented a Consumer Driven Health Plan with a Health Savings Account (HSA) beginning January 1, 2011. The wellness program, Healthy by Choice, provides an opportunity for employees to waive participation-based and results-based premiums. Each employee has the opportunity to earn results-based wellness incentives in relation to four key health factors (blood pressure, cholesterol, body mass index/waist circumference, and non-tobacco use) in the form of a waiver of their results-based premium. Each employee who participates in the plan receives a waiver of the tobacco result-based premium based on non-tobacco use through a signed affidavit, certifying that they are currently tobacco free and have been for the past 12 months.

C. This Administrative Order shall be applicable to all who have voluntarily signed up for the Healthy by Choice program, and who have turned in an affidavit certifying they are currently tobacco free and have been for the past 12 months. Questions regarding this Administrative Order should be directed to the Division of Human Resources.

2. POLICY

City employees, who have voluntarily agreed to participate in the Healthy by Choice program, and have voluntarily submitted an affidavit stating they are tobacco free, may be required as a condition of the program, to submit to random nicotine testing to detect the presence of nicotine in their system. Random nicotine testing is described as follows:

A. **Random testing** - A minimum number of employees annually may be randomly selected using a scientifically valid method in which each employee will have an equal chance of being tested each time selections are made. The dates for testing will be unannounced and spread throughout the calendar year. When an employee is selected for testing, they will proceed to the test site immediately.

B. Employees that fail to submit for required testing will lose eligibility for the waiver of premium for being tobacco free for the following calendar year.

C. Employees found positive for evidence of nicotine through the testing procedures identified in Section 3 of the Administrative Order, will lose eligibility for the incentive waiver of premium for being tobacco free for the following calendar year.

D. Employees, who during the health screenings turned in a physician statement that was verified through the UHC medical director stating, it was unreasonably difficult due to a medical condition to meet the requirements under this program, or it was medically inadvisable for them to meet the requirements of the program, are exempt from these testing requirements.

3. NICOTINE TESTING PROCEDURES

A. When circumstances arise which require nicotine testing, the Director of Human Resources, or designee, will designate the City's Third Party Administrator (TPA) to conduct random nicotine testing for employees who voluntarily participate in the Healthy by Choice program and have turned in a signed tobacco-free affidavit.

B. In screening for the presence of nicotine, generally accepted screening procedures will be used.

C. When screenings are performed, the threshold level for determination will be established in accordance with generally accepted medical procedures.