

THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA

**NOTICE OF INTENT TO ADOPT AMENDMENTS TO
RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD:
CHAPTER 2, HUMAN RESOURCE SERVICES**

Pursuant to **Sections 120.54 and 120.81(1), Florida Statutes**, any person affected by this rule may appear before the School Board of Escambia County, Florida, on the proposed adoption of the instant School District Rule(s) at the date and time listed herein:

NUMBER: 6Gx17 – 2.47

TITLE: TOBACCO-FREE HIRING POLICY

PURPOSE & EFFECT: To update specific sections of Chapter 2 of the Rules and Procedures of the District School Board.

CODING DEFINITION: Words ~~stricken~~ are deletions; words underlined are additions.

TEXT: The full text of this proposed amendment is available for inspection and copying by the public in the Office of the Superintendent, located in the Vernon McDaniel Building, 75 North Pace Blvd., Pensacola, FL 32505; or online at <http://www.escambia.k12.fl.us/board/agendas.asp>

Notice of Rule Advertisement appeared in the Pensacola News Journal on May 19, 2011 – Legal No. 1523175 1T

SUMMARY: The goal of these proposed revisions is to update specific sections of Chapter 2 of the Rules and Procedures of the District School Board. The Superintendent in his capacity as Executive Secretary of the School Board, is authorized to correct article and section designations, punctuation, and cross references and to make other technical and conforming changes as may be necessary to reflect the intent of this Board in connection with the policy adopted.

SPECIFIC LEGAL AUTHORITY UNDER WHICH AUTHORIZED:

Chapter 1012, and Sections 120.54; 1001.32; 1001.41; 1001.42, F.S.

LAW BEING IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:

Chapter 1012, and Sections 120.54; 1001.32; 1001.41; 1001.42, F.S.

SMALL BUSINESS IMPACT: None

ECONOMIC IMPACT: None

PERSON ORIGINATING RULE: Dr. Alan Scott, Assistant Superintendent, Human Resource Services

SUPERVISOR APPROVING RULE: Malcolm Thomas, Superintendent

DATE APPROVED FOR SUBMISSION: April 27, 2011

ANY PERSON AFFECTED BY THIS RULE MAY APPEAR AT A PUBLIC HEARING TO BE HELD:

TIME AND DAY: 5:30 p.m., Tuesday

DATE: June 21, 2011

PLACE: J. E. HALL EDUCATIONAL SERVICES CENTER
ROOM 160
30 EAST TEXAR DRIVE
PENSACOLA, FLORIDA 32503

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Superintendent of Schools, located at 75 North Pace Blvd., Pensacola, FL 32505, telephone (850) 469-6130, within two (2) working days of your receipt of this Notice. If you are hearing or voice impaired, call TDD 1-800-955-8771.

Any person who decides to appeal a decision of the School Board at such meeting is hereby advised that, for such purpose, such person may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based.

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY, FLORIDA
Adopted on this 21st day of June, 2011, at Pensacola, Escambia County,
Florida.

Malcolm Thomas, Superintendent

APPROVED FOR LEGAL CONTENT
FOR June 2011 AGENDA
JUN 01 2011

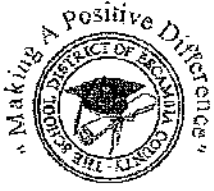
GENERAL COUNSEL
ESCAMBIA COUNTY SCHOOL BOARD

CHAPTER 2 – HUMAN RESOURCE SERVICES

2.47 TOBACCO-FREE HIRING POLICY

- (1) The School District is committed to promoting health, wellness, and disease prevention within the community and to providing a safe, clean and healthy environment for our employees and citizens. The use of tobacco and tobacco products is a known and established hazard to the health and well-being of those who use them as well as those around them. The health problems created by the use of these products contribute to the increase in health care costs and the rise in insurance premiums. Use of tobacco and tobacco products has been shown to decrease employee productivity and efficiency and increase absenteeism. It is in recognition of these factors that the District is taking measures to develop a tobacco-free workforce. The School Board hereby establishes a tobacco-free hiring policy for all individuals applying for any position within the District. It is the intent of this policy that employees hired after the effective date of this policy remain tobacco-free for the duration of their employment.
- (2) For the purposes of this policy, "tobacco" is defined to include products that include tobacco and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form (i.e., lozenges, strips, pouches, etc.).

Statutory Authority:	Chapters 1000 and 1012 and Sections 1001.30 to 1001.54, F.S.
Law Implemented:	Chapters 1000 and 1012 and Sections 1001.30 to 1001.54, F.S.
History:	New



THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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MALCOLM THOMAS, SUPERINTENDENT

FOR INFORMATIONAL PURPOSES ONLY

2.47 S.B.R. BACKUP DOCUMENTATION

1. Tobacco-Free Agreement
2. SOP #01-201, Tobacco-Free Hiring Policy

TOBACCO-FREE AGREEMENT

(This form must be included with your application in order to be considered for employment with the School District of Escambia County, Florida)

The use of tobacco and tobacco products is a known and established hazard to the health and well-being of those who use them. The health problems created by the use of these products contribute to the increase in health care costs and the rise in insurance premiums. Use of tobacco and tobacco products has been shown to decrease employee productivity and efficiency and increase absenteeism. It is in recognition of these factors that the School District of Escambia County, Florida is taking measures to develop a tobacco-free workforce. Effective, (upon School Board approval), and thereafter, applicants seeking employment with the School District of Escambia County, Florida will be required to sign this affidavit indicating whether or not they have used tobacco or tobacco products within the six (6) months immediately preceding their application for employment. The pre-employment drug screening process will also test for nicotine.

Place a check mark beside the statement that applies to you:

- I **have not** used tobacco or tobacco products in the six (6) months immediately preceding the date of my application for employment.
- I **have** used tobacco or tobacco products in the six (6) months immediately preceding the date of my application for employment.

APPLICANT'S AGREEMENT

I, _____ (print name), affirm that the above information is true. If employed by the School District of Escambia County, Florida, I agree to remain tobacco free for the duration of my employment. I understand that falsifying this document or any other part of my application may cause me to be denied employment or terminated from employment with the School District of Escambia County, Florida. If this information changes at a future date, I agree to notify Human Resources so that the status of my employment eligibility may be updated.

Signature of Applicant

Date

Witness:

Date

- I. Procedure Name: Tobacco-Free Hiring Procedures
- II. Basic Procedure: Purpose of this procedure is to standardize the process for notifying prospective applicants of the District's Tobacco-Free Hiring Policy and required screening process.
 - A. Notice to Applicants
 1. All applicants for employment will be notified of the Tobacco-Free Hiring School Board Policy during the application process through a Notice to Applicants of Tobacco-Free Hiring Policy.
 2. All applicants will be required to sign (electronically and/or paper) an agreement stating that they have refrained from tobacco products for the six (6) months preceding the application/hire. If an applicant refuses to sign this agreement or confirms they have used tobacco in the last six (6) months, they will be considered ineligible for employment in the District for a period of six (6) months following the date of application for employment and/or refusal.
 3. All applicants are required to submit the necessary laboratory specimens during the pre-employment substance screening which includes a tobacco screening.
 4. A confirmatory test may be conducted at the applicant's expense when the initial tobacco screening is a non-negative. A diagnostic lab will conduct the confirmatory test and provide the District with the final results.
 5. Applicants sent for testing who are found to have a positive nicotine screening are considered ineligible for employment.
 6. For the purposes of this policy, tobacco is defined to include products that include tobacco and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff; in any form (i.e., lozenges, strips, pouches, etc.).
 7. Tobacco-free is defined as having refrained from use of any and all of the above stated products in the six (6) months preceding the application for employment.
 8. This policy will become effective upon School Board approval.
 9. The Human Resources Department will assist in communicating this policy by
 - a. Informing all applicants for employment of the Smoking/Tobacco Policy prior to the application process or the applicant accepting an offer of employment.
 - b. Reviewing the policy at the New Employee Orientation.
 - c. Publishing the policy annually as part of the Annual Compliance Package given to all employees.