

CONTROLLING THE COST OF SMOKING EMPLOYEES

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Reduced productivity, higher health care costs, increased use of sick days, lingering odors detected by customers, and employee disputes over excessive breaks...just some of the ways an employee smoking habit impacts your bank. Each employee who smokes costs their employer approximately \$6,000 more per year than a nonsmoker, primarily as a result of lost productivity and increased health care costs, according to a recent Ohio State University study. Banks should consider the following tools to curtail the negative effects of smoking on the workplace.

STOPPING SMOKE-BREAK ABUSERS

An effective written break policy is the first line of defense. The policy should:

- Differentiate between shorter rest breaks and longer meal periods and specify which are paid and count toward compensable time for overtime purposes and which do not.
- Address rest breaks and meal periods generally, rather than singling out smoke breaks.
 - Where appropriate to the specific workplace, (a) limit the frequency of rest breaks stated in increments of hours worked; (b) identify the time of

day that meal periods should occur; and (c) specify any restrictions on where breaks and meal periods may be taken.

- Comply with any applicable laws impacting rest breaks and meal periods such as (a) laws requiring that employees be paid for shorter breaks; (b) laws requiring breaks of a specific frequency, duration and location (Pennsylvania law only requires breaks for employees under 18 years of age); and (c) legal protections for those employees who may require additional or varying breaks, such as disabled employees or nursing mothers.

When disciplining a smoker for excessive breaks, the focus

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ADDRESSING SMOKING IN THE WORKPLACE

of the discipline should be on lost productivity, abuse of the break policy, and any negative impacts on customer service. Although Pennsylvania does not have a law prohibiting workplace discrimination against smokers, even in those states with laws protecting smokers (such as New Jersey), employers generally may impose discipline if the smoking impacts business operations.

SMOKE-FREE WORKPLACE PROGRAMS

Voluntary smoke-free workplace programs also may prove to be a wise investment in long-term cost savings, although they do require an initial outlay of upfront funds. Such programs may include referrals to smoking cessation resources or financial incentives to employees who enter a smoking cessation program.

Banks may also consider implementing a smoke-free workplace policy. The policy should identify those areas of the business premises where smoking is prohibited and, where a smoking area is provided, designate an area that is out of customer view. It should also require employees to comply with any state or local laws prohibiting smoking in the workplace or near entrances and with any restrictions imposed by the owner or manager of the business premises.

HIRING BANS

Some employers choose to reject any applicant who is a smoker through a formal no-hire policy. Several factors impact the development and implementation of such a policy, including:

- The business implications of a policy requiring rejection of otherwise qualified talent because of tobacco use.
- Procedures for determining which applicants are truly tobacco-free, such as a certification from the applicant of non-tobacco use or in some circumstances testing for tobacco use.
- Whether any state laws prohibit employers from re-


fusing to hire or discriminating against tobacco users. Pennsylvania does not have such a law; New Jersey and other jurisdictions do.

- Categories of positions the bank may wish to exempt from the policy, such as those without direct customer contact.
- A no-hire policy cannot operate in a vacuum, however. Banks should still consider implementing the additional policies and programs discussed in this article to address current employees who use tobacco.

"SMOKING" TRENDS

New smoking trends may also require some degree of flexibility in enforcement. For example, the bank may

wish to ban electronic cigarettes in the same manner as traditional cigarettes given the increasing number of jurisdictions (most recently New Jersey and the City of Philadelphia) imposing legal restrictions on electronic cigarettes. Employers operating in states that have legalized medical marijuana (a bill is pending in Pennsylvania; a law has already passed in New Jersey) may be required by applicable law to treat medical marijuana users differently from cigarette-smoking or illegal drug-using employees.

Banks have a variety of tools at their disposal for addressing smoking in the workplace. Take the actions that work for your bank to snuff out the negative impact of smoking on employees and on your bank's bottom line. 

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