



Travis County Commissioners Court Agenda Request

Meeting Date: September 27, 2012 **WORK SESSION**

Prepared By/Phone Number: David A. Salazar 854-4107

Elected/Appointed Official/Dept. Head: Sherri E. Fleming,
County Executive for Health and Human Services and Veterans Service

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Receive Update and Give Staff Direction on Proposed Amendments to Chapter 57 (Travis County Tobacco-Free Workplace Policy) of the Travis County Code.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Travis County Commissioners Court adopted the current Smoking Policy on October 21, 1986, to be effective January 1, 1987. In November of 2010, the Court approved an Interlocal agreement with the City of Austin to receive funding through a grant from the Center for Disease Control to improve the health of government employees and the general public through cessation of the use of tobacco products. Even before implementation of the grant, the Travis County Wellness Clinic had provided tobacco cessation counseling and treatment and has, since, undergone a public information campaign to educate staff and the public about the hazardous nature of using tobacco products. The grant also suggests that the grantees consider the implementation of Tobacco Free Workplace policies. On January 24, 2012, the Court also conducted a public hearing so that it could consider feedback from all segments of the County workforce and open the forum for feedback from Travis County residents as well, prior to making decisions on any proposed policy changes.

STAFF RECOMMENDATIONS:

Staff seeks direction from the Court's direction regarding the information provided and any proposed amended language to Chapter 57 of the Travis County Code (Travis County Smoking Policy).

ISSUES AND OPPORTUNITIES:

On November 16, 2010, the Court approved an Interlocal Agreement to participate in a grant and receive funding through the City of Austin from the Centers for Disease Control and Prevention (CDC) under the U.S. Department of

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Health and Human Services via the American Recovery and Reinvestment Act of 2009, to help reduce tobacco use prevalence and exposure to secondhand tobacco smoke under the Communities Putting Prevention to Work (CPPW) initiative.

Travis County's Health and Human Service and Veterans' Service (HHS&VS) Department, in collaboration with the Travis County's Wellness Clinic, was charged with the implementation of the Communities Putting Prevention to Work (CPPW) initiative, whose objectives are to:

- 1) protect the well-being of Travis County employees, their families and the community by reducing tobacco use prevalence and exposure to second-hand smoke; and
- 2) explore the implementation of a Tobacco Free Workplace policy at all Travis County properties, and to provide resources for employees who want to stop using tobacco products.

The Interlocal with the City of Austin for funding of this initiative expired on February 29, 2012.

FISCAL IMPACT AND SOURCE OF FUNDING:

This item will not increase the County Budget.

REQUIRED AUTHORIZATIONS:

Dr. Hari Dhir, Medical Director, Travis County Wellness Center
Mary Etta Gerhardt, Assistant County Attorney

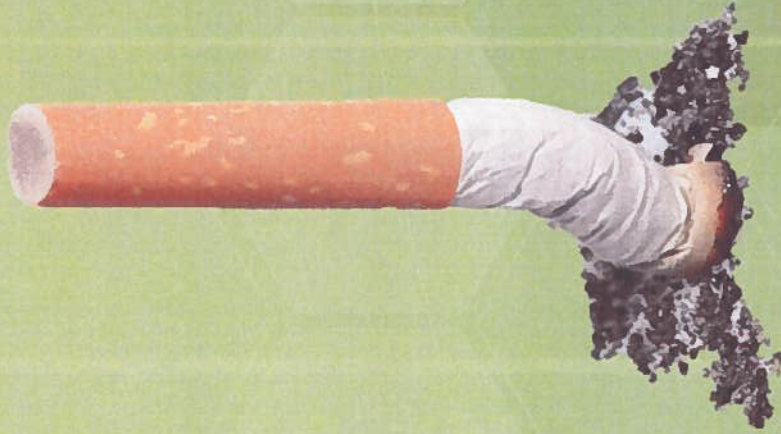
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Sherri E. Fleming, County Executive
Travis County Health and Human Services
& Veterans Service

Tobacco-Free Workplace (TFW) Policy

Update & Next Steps
September 13, 2012



Background

- City received \$7.4 million grant for tobacco prevention & control initiatives
- Part of funding was made available to community to promote tobacco cessation policies at worksites
- Interlocal Agreement between TC HHS/VS & City to explore TFW policy for the County

TFW Policy Benefits

- Reduces exposure to secondhand smoke
- Helps employees and visitors quit tobacco
- Saves employers and taxpayers money
- Is socially responsible
- Is environmentally responsible

Task Summary

Prior to June

- Conducted employee survey
- Researched TFW policies, best practices, cessation resources
- Held employee & community meetings
- Began sign / policy design
- Obtained list of facilities
- Provided updates to Court

Since June

- Completed site visits & plotted sign/TUA locations
- Met with A/TC HHSD: received \$5k commitment
- Met with UT regarding TUAs
- Developed Resource Packet with Wellness Clinic
- Created Communication Plan
- Adjusted sign/policy designs
- Estimated policy costs

Policy Recommendation



Fully implement a Tobacco-Free Workplace (TFW) policy on all Travis County properties effective January 1, 2013 with no tobacco use areas.

Reasons for Recommendation

- Consistent with County's mission of "safe & healthy communities"
- Follows best practices
- Has employee support
- Is cost-effective
- Provides greatest health benefit:
"Total prohibition of smoking in the workplace strongly affects industry volume. ..Milder workplace restrictions, such as smoking only in designated areas, have much less impact on quitting rates and very little effect on consumption...Clearly, it is most important for P[hilip] M[orris] to continue to support accommodation for smokers in the workplace." – Philip Morris Interoffice Memo

Option 2: Not Recommended

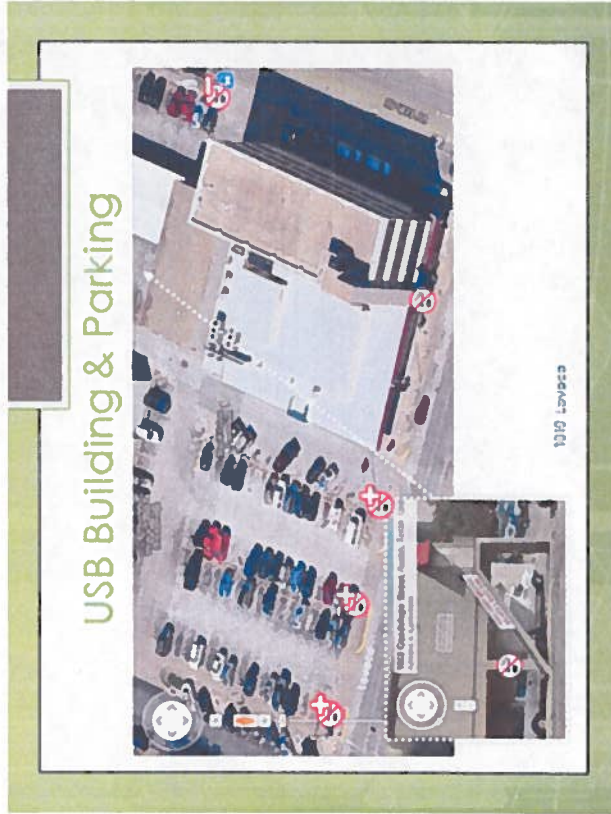
Implement a Tobacco-Free Workplace (TFW) policy on all Travis County properties effective January 1, 2013 with temporary designated tobacco use areas (TUA) allowable from January 1 to December 31, 2013.

Plan by Property Type	TFW Policy with No Tobacco Use Areas (TUA)		TFW Policy with Temporary Tobacco Use Areas (TUA)		
	With dedicated County employees who use tobacco	TFW signs installed effective Jan. 1, 2013	Existing TUAs removed effective Jan. 1, 2013	TUAs in place Jan. 1 – Dec. 31, 2013	
County-Owned Properties	No dedicated County employees who use tobacco	TFW signs installed once use established		No TUAs	
	Parks				
	Vacant				
	Leased to others	Policy language added to new contracts and effective upon renewal			
Leased Properties					
Purchases					
				No TUAs, but policy effective Jan 1, 2014	
					
Cost Estimates		TFW Signs	\$XX,XXX	TFW Signs	\$ XX,XXX
				TUA signs/receptacles	+ \$ 8,200
					\$ XX,XXX

TC HHS/VS

Sample Maps

TFW Sign Locations



Symbol Key

- Attached to Wall
- Attached to Existing Pole
- Attached to New Pole

TUA Location



TC HHS/VS

Additional Options

- Employee cessation incentives
 - Public health events
 - Rewards for quitting
 - Insurance premium discount for non-tobacco users
 - Hiring policy
- Further promote other Healthy Workplace initiatives
 - Weight loss
 - Healthy eating
 - Exercise
 - Stress reduction

Action Items

- Establish Tobacco Use Areas?
- Include Parks?
- Include leased facilities?
- How do we encourage compliance?

Implementation Steps

- Purchase signs and receptacles, if applicable
- Assemble resource packets
- Develop training module for management
- Inform employees and public
 - Issue press release
 - Memo from Court to employees with payroll (HHS with HR)
 - Personnel policy manual (HHS with HR)
 - Cessation resources (HHS with Wellness Clinic)
 - Website (HHS with ITS, HR, Wellness Clinic)
 - Update leases/contracts (HHS with Facilities & HR)
- Provide cessation resources (Wellness Clinic)
- Install /remove signs and receptacles if applicable (Facilities)

Draft

Chapter 57 - Travis County Tobacco-Free Campus/Worksite Policy

57.001 **Authority.** Travis County (“County”) is authorized to restrict the use of Tobacco Products and tobacco-related activities pursuant to: Texas Constitution, Article V, Section 18 (powers and jurisdiction over all county business); Texas Local Government Code, Section 291.001 (authority to maintain public buildings); Texas Health and Safety Code, Section 121.003 (authority to provide for general health); Texas Health and Safety Code, Section 121.003(a) (authority to enforce any law reasonably necessary to protect the public health); and other applicable statutes, laws and ordinances.

57.002. **Purpose.**

(a) **Healthy Worksite.** County is committed to providing a safe and healthy worksite and to promoting the health and well-being of its employees clients and visitors utilizing County Facilities.

(b) **Employee Assistance.** County is also committed to providing all assistance possible, within the resources available to County, for County Employees in order to assist those individuals desiring to stop the use of Tobacco Products. County Employees are encouraged to contact the County Wellness Clinic and/or HR to pursue such assistance.

57.003 **Definitions.** As used in this Travis County Tobacco-Free Campus/Worksite Policy (“Policy”), the following words will have the meaning assigned in this Section 57.003:

(a) **“Covered Individuals”** means all persons entering County Facilities including but not limited to employees, invitees, subcontractors, clients, or visitors.

(b) **“Employees”** means all persons hired or engaged by County to provide services for Travis County and not working as an independently contracted business, including regular employees (whether full-time or part-time), temporary employees, volunteers and interns.

(c) **“Facilities”** Unless otherwise specified in writing, “Facilities” include all property that is owned, leased or controlled by County for the purpose of conducting its business, including but not limited to:

(c-i) all enclosed property;

(c-ii) indoor and outdoor open space within or between enclosed facilities [**not** including that space located outside the facility - i.e., public sidewalks, walkways, etc. unless covered by (c-iii)];

(c-iii) all outside areas within fifteen (15) feet of a doorway or window that can be opened;

- (c-iv) County owned or leased vehicles in all locations;
- (c-v) private vehicles located on County property (owned or leased);
- (c-vi) garages and parking lots;
- (c-vii) worksites occupied by County Employees, as to those Employees;
- (c-viii) and all other facilities as indicated by authorized signage indicating it is a tobacco-free area.

This Policy will only apply to leased property/facilities to the extent that the owner of the property/facility does not object. Unless otherwise specified, this Policy applies to all County Facilities, regardless of the Employees housed in or activities pursued in that Facility.

(c) **“Secondhand smoke”** means tobacco smoke from any Tobacco Product that is exhaled by smokers or is given off by burning tobacco and is inhaled by persons nearby.”

(d) **“Tobacco Product”** means any product made, derived from or containing tobacco including, but not limited to: cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco. This also includes any component, part or accessory of any of the above and any product which, to the observer, appears to be a Tobacco Product (i.e., water vapor “cigarettes” and similar products).

57.004 **Tobacco Product Use Prohibited.**

(a) **Prohibition.** Use of Tobacco Products is not permitted at any time by Employees or Covered Individuals within the limits of all County Facilities.

(b) **No Designated Areas.** There will be no designated smoking areas within Facilities.

(c) **Littering.** Littering of tobacco-related products on the grounds of parking areas (lots, garages, driveways) is also prohibited.

(d) **Surrounding Areas.** County strives to be a good neighbor in the community, and as such, discourages the use of Tobacco Products on the property of nearby businesses and residences.

57.005 **Enforcement -**

(a) **Compliance.** Compliance with the tobacco-free campus policy is mandatory for all Employees and Covered Individuals

(b) **Communication of Policy.** The prohibitions under this Policy will be clearly communicated in all County Facilities by appropriate signage designed and installed by County; written copies of the Policy provided to all Employees; written copies of the Policy provided to Covered Individuals as requested or determined necessary by County; by publication on the County website; and by other means as determined necessary by County.

(c) **Waiver.** By written order, the County Commissioners Court may waive or all or a portion of this Policy as to any facility or any portion of any facility.

(d) **Other Rules.** The provisions of this Policy do not negate or impact the implementation of any other duly instituted laws, rules or ordinances which apply to areas also included in this Policy. Applicable City of Austin ordinances, and other municipal ordinances, will apply within the jurisdiction of those municipalities in addition to the more stringent provisions of this Policy.

57.006 **Effective Date.** This Policy will be effective _____, 2012, and will replace any other related policies and procedures in place prior to this Effective Date.

NOTES:

1. This draft Policy is a facilities policy rather than a personnel policy, and, as such, applies to all facilities regardless of the elected official or supervisor officed within that facility.
2. This draft Policy covers all people on County property. There is the option of a waiver (for example, for the Sheriff's control of jails), or for changes to reflect owners requirements where the County leases property.
3. This draft Policy acknowledges the application of the City of Austin ordinance or any other municipality's ordinance, and states that more stringent provisions of this Policy apply.
4. This draft Policy includes all vehicles on County property including parking garages and parking lots, whether that car is County-owned or privately owned.
5. This draft Policy includes all tobacco products whether or not smoke is produced, and vapor-cigarettes.
6. This draft Policy does not include any designated smoking areas. Individuals will have to completely vacate County property/facilities to use tobacco products.