

More employers demand applicants quit smoking

More companies are demanding that potential employees quit smoking to keep insurance costs down

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Until the day he was offered the job as executive sous chef of the new Hollywood Casino Columbus, Tim Dionisio smoked a pack of cigarettes a day.

And when things got hot and hectic in the kitchen, and there wasn't time to go outside for a cigarette break, "I popped little bags of spitless chew in my mouth."

Dionisio is now four months into a cold-turkey goodbye to tobacco products. Instead, he chain-sucks Werther's Original candies.

"I go through a bag every two days," he said.

Quitting wasn't by choice, but from necessity, if he wanted to work at Hollywood Casino Columbus, which opened on Oct. 8. It does not hire smokers or allow employees to smoke on the premises or even in their homes. "Once I realized the offer was serious, I stopped smoking that day," Dionisio said. "And I couldn't use a patch or gum because they have nicotine in them and would have shown up on the (drug) test."

Job-seekers must pass a drug test that includes nicotine screening, and, once hired, employees caught smoking can be fired.

"This (casino) is a brand-new project, and we wanted to set the tone from the start, that wellness is important," said Ameet Patel, general manager of Hollywood Casino, which is owned by Penn National Gaming.

Although it is not yet a trend, a growing number of companies — especially hospitals — refuse to hire smokers. Ohio-based companies with this policy include Scotts Miracle-Gro and the Cleveland Clinic.

The goal is to improve the health of employees and reduce the company's health-care costs.

However, this policy has raised legal and ethical issues and has some asking: Where will it stop?

"The slope is slippery," said Lewis Maltby, president of the National Workrights Institute, a nonprofit spinoff of the American Civil Liberties Union that opposes the hiring bans.

"Smoking isn't the only thing that affects your health; there's drinking, eating red meat, exercise or not exercising — even your sex life affects your health," Maltby said. "And once you say it's all right for employers to tell someone what they can and can't do in their private life, you don't have a private life anymore."

No dice on smoking

Ohio is the first state that forbids smoking in casinos, Patel said. This will create a cultural change, Patel said. *Casinos* and *smoking* have traditionally gone together like *black* and *jack*.

Ohio's no-smoking law got the ball rolling on the idea — and eventual policy — not to hire smokers for Penn National's Hollywood casinos in Columbus and Toledo.

As part of an overall wellness push, the employee cafeteria does not serve fried foods but instead will offer a wide assortment of healthful choices. There is an on-site gym for employees and several programs to encourage employees to exercise and participate in company-sponsored sporting activities.

"There's no doubt in my mind that, down the road, this will be the law of the land and smoking will be a thing of the past," Patel said.

The law of the land on the rights of smokers in the workplace is up to each state.

"There was a campaign by the tobacco industry, helped by the ACLU, in the late 1980s and early 1990s to pass laws to prevent companies from doing this," said Micah Berman, director of New England Law, Boston's Center for Public Health and Tobacco Policy. Twenty-nine states passed smoker-protection laws. Ohio did not.

"Ohio is an at-will employment state, which means companies can hire or fire someone for any reason unless there's a state law that specifically says you can't ... such as discrimination, race, gender laws," Berman said.

Smoking is not protected, he said.

Berman is in the midst of a study of how much smokers cost their employers, and his initial estimate is about \$6,000 a year. "That's for the excess health-care costs and costs related to lost time from smoking breaks and 'presenteeism,'" he said. Presenteeism occurs "when people can't focus due to nicotine addiction" and are less productive.

Other companies or institutions that refuse to employ smokers include Alaska Airlines, Union Pacific Railroad, Detroit Medical Center and Baylor (Texas) Health Care System.

"It's a trend, but certainly not something that has exploded, and it's still a small minority of companies," Berman said.

More common are financial incentives or penalties to curb employee smoking. The number of companies that have such policies jumped by 50 percent between 2009 and 2011, according to a survey conducted by Towers Watson. "Over half the companies I work with have some sort of program in place ... some sort of credit or penalty," said Ron Mooney, an employee-benefit consultant and broker with Dublin-based RHK Group.

Locally, employees at Nationwide Children's Hospital who smoke are charged an additional \$130 a year for health benefits.

"It's all self-reported, so sometimes I question the count ... but about 20 percent of our employees are smokers," said Cindi Solomon, the hospital's employee-wellness operations manager. JPMorgan Chase & Co. employees who smoke also pay a premium,

said company spokesman Jeff Lyttle. “And we work like heck as a company to help smokers kick the habit.”

At Cardinal Health, employees get a \$600 annual tobacco credit if “the employee and all dependants covered under the Cardinal Health group medical plan will not use tobacco products over the course of a full year,” said company spokeswoman Debbie Mitchell.

The Horseshoe Casino Cleveland does hire smokers, but it offers a \$100 health-care reimbursement to employees who quit.

At Scotts Miracle-Gro, the number of employees who smoke has dropped from 30 percent to 10 percent since the ban was enacted. The percentage hasn’t dropped to zero because Scotts has operations in several states that have smoker-protection laws, said spokesman Lance Latham.

The company was sued over the policy in 2006 by Scott Rodrigues, who was fired for smoking. His case was dismissed three years later by a federal judge.

That is the only lawsuit brought against the company, Latham said.

The Hollywood system

As part of the hiring process at the Hollywood casinos, applicants were told early and often about the no-smoking policy.

“We didn’t want to waste anyone’s time ... and we lost about 10 percent of the applicant pool,” said Chrystal Herndon, the Toledo casino’s vice president of human resources.

About 5 percent of those who were offered a job in Toledo failed the drug test.

“But the kicker is, my testing company doesn’t separate out drugs and nicotine for me, so I don’t know which one they failed,” Herndon said.

Several people, she added, said they failed because of the nicotine in the patches they were wearing to help them quit, and those applicants were allowed to retake the test.

“My people at the testing company say you need to go three full days without smoking to not have any nicotine in your system,” Herndon said.

Patel said the failure rate for those offered jobs in Columbus has been “less than 1 percent.”

No Toledo casino employee has been fired for smoking. The casino began operations on May 29.

“I was prepared to fight a lot of battles, but so far, our employees have embraced it,” Herndon said. “In Ohio, you can do random drug tests, but we haven’t done that and will only test if there is cause.”

Examples of cause would be if an employee is spotted smoking or “if someone smelled cigarettes on you,” she said.

Patel said the policy will be the same in Columbus.

“We use the honor system and are comfortable with this,” he said. “When you are surrounded by nonsmokers, that’s tremendous positive peer pressure not to smoke.”

The Toledo and Columbus casinos offer smoking-cessation counseling for employees.

“If someone came to us and said they were having trouble not smoking, we would offer them help,” Patel said. Hollywood’s policy is a “powerful incentive” to help smokers quit, said Shelly Kiser, director of advocacy for the American Lung Association in Ohio. “But we don’t go out and say every company shouldn’t hire smokers; we promote the need for companies to give smokers the tools they need to stop,” she said.

Dionisio has mixed feelings about his employer’s policy. “I can’t say I think it’s OK,” he said. “If smoking affects someone’s job performance, OK. But if it doesn’t, I don’t see why they can’t be hired.”

Then again, he has already begun to feel — and smell — the advantages of being smoke-free.

“I can take a deep breath for the first time in a long time, and I have more energy,” Dionisio said. His senses of taste and smell also improved; that has made him an even better chef, he said.

He has been tempted to light up. But the temptation quickly fades as he thinks about his wife, Brooke, and their three young children.

“My whole family is depending on me, so there’s no chance of me failing,” Dionisio said, as he sucked on a Werther’s.