



**PIMA COUNTY BOARD OF SUPERVISORS
DISTRICT 1**
130 WEST CONGRESS STREET, 11TH FLOOR
TUCSON, AZ 85701-1317
(520)724-2738
district1@pima.gov
www.district1.pima.gov

ALLY MILLER
SUPERVISOR

MEMORANDUM

To: Robin Brigode

Date: February 25, 2015

Re: **Item for March 3, 2015
Board of Supervisors Meeting**

From: Ally Miller, District 1, Supervisor
Pima County Board of Supervisors

am

Please place the following item on the **March 3, 2015** Board of Supervisors Meeting Agenda Addendum:

Discussion and clarification on February 17, 2015 Board of Supervisors meeting vote on the Pima County Nicotine/Tobacco-Free Healthy Workforce Initiative and the vote on Medical Insurance for County Employees Fiscal Year 2015/16. Clarification is needed regarding the Board's requirement for all employees who use tobacco products to take a mandatory cessation class on county time and of the Board's requirement for all current employees enrolled in the PPO health plan to attend a Human Resource enrollment session on county time.

REC-25-15AM1005 PC CLK OF PD
APS

From: Jeannie Davis
Sent: Tuesday, February 24, 2015 10:54 AM
To: Chuck Huckelberry
Subject: Health Insurance Memo Clarification

Good morning Mr. Huckelberry:

When the Board mandated Cessation programs for all staff who use nicotine products, it is our understanding that staff would attend these classes on COUNTY time. Based on the Board making that mandatory, it does not clarify that in your memorandum. Is my interpretation wrong on what the Board voted on or will you be adding that language for staff and HR?

Respectfully,

Jeannie Davis
Chief of Staff
Pima County Supervisor Ally Miller – District 1

From: Chuck Huckelberry
Sent: Tuesday, February 24, 2015 11:47 AM
To: Jeannie Davis
Subject: RE: Health Insurance Memo Clarification

The only thing that is mandatory is that the employee successfully complete the program. They will do so on their time.

From: Jeannie Davis
Sent: Tuesday, February 24, 2015 12:05 PM
To: Chuck Huckelberry
Cc: Ally Miller; Thomas Weaver; Sherry Potter
Subject: RE: Health Insurance Memo Clarification

Mr. Huckelberry,

From what I just listened to from the video clip, the cessation class is mandatory for smoking staff to take and therefore wouldn't that mean it has to be on county time per the Fair Labor Standards Act? I have looped in Mr. Weaver for clarification as well. I just want to make sure this is clarified based on your response below so our office can better answer questions on the subject.

[t]he employee's participation in the program, both with respect to classroom work and . . . practice at home, is not voluntary . . . if . . . attendance is required for the continuance of . . . employment and if such . . . practice at home is necessary to qualify under the program. In such a case the time spent in classroom training as well as the time devoted to . . . practice at home would be considered as compensable hours of work which the employer may not disregard in determining the employee's compensation. http://www.dol.gov/whd/opinion/FLSA/2009/2009_01_15_15_FLSA.htm

Respectfully,

Jeannie Davis

From: Chuck Huckelberry
Sent: Tuesday, February 24, 2015 1:06 PM
To: Jeannie Davis
Subject: Re: Health Insurance Memo Clarification

No.

From: Jeannie Davis
Sent: Tuesday, February 24, 2015 4:03 PM
To: Chuck Huckelberry
Cc: Thomas Weaver; Ally Miller
Subject: RE: Health Insurance Memo Clarification

Mr. Huckelberry,

Would it be better to have the Board discuss this on the Agenda? Based on the conversation I just had with Mr. Weaver, if the Board voted to mandate/require employees to take a cessation program, that requirement would need to be done on County time per the Fair Labor Standards Act that I cited below. I believe that PPO members would also be in this category of attending the required classes on County Time.

Chair Bronson clarified the motion during the meeting: "require employees that smoke that they attend and complete a smoking cessation program of their choice"

[https://www.youtube.com/watch?v= EcVkaSYseQ](https://www.youtube.com/watch?v=EcVkaSYseQ) (this statement can be heard starting at 15 seconds in to this video clip and further clarified by the Board starting at 5 minutes and you agreed to this at around 6 minutes).

Maybe it is possibly better to have this discussed as an addendum item with the confusion?

Respectfully,

Jeannie Davis

Chief of Staff

Pima County Supervisor Ally Miller – District 1

From: Chuck Huckelberry
Sent: Tuesday, February 24, 2015 4:54 PM
To: Jeannie Davis
Subject: Re: Health Insurance Memo Clarification

Any member can put anything on the agenda.

From: Jeannie Davis
Sent: Tuesday, February 24, 2015 4:57 PM
To: Chuck Huckelberry
Cc: Thomas Weaver; Ally Miller; Allyn Bulzomi
Subject: RE: Health Insurance Memo Clarification

Mr. Huckelberry,

Based on your response, are you still standing by the assertion that county employees will have to do the nicotine cessation program (and ppo overview) NOT on county time, even though the video clips below say these courses are mandated?

Respectfully,

Jeannie Davis
Chief of Staff
Pima County Supervisor Ally Miller – District 1

From: Chuck Huckelberry
Sent: Tuesday, February 24, 2015 5:34 PM
To: Jeannie Davis
Subject: Re: Health Insurance Memo Clarification

As I said previously the program is mandated to receive the surcharge waiver. No program completion no waiver.

From: Jeannie Davis
Sent: Tuesday, February 24, 2015 5:48 PM
To: Chuck Huckelberry
Cc: Thomas Weaver; Ally Miller; Allyn Bulzomi
Subject: RE: Health Insurance Memo Clarification

Mr. Huckelberry,

Yes that is what you said but the Board appears to have said something different as heard on the video (<https://www.youtube.com/watch?v=EcVkaSYseQ>). I guess it will be up to the Board to clarify this on a future agenda and possibly discuss the video and what was said in the meeting by all parties.

My entire purpose in seeking this clarification is based on your memorandum from today which doesn't mention the mandated requirement by the Board for the PPO class (on county time) or the nicotine cessation program requirement (which regardless of waiver- the Board said the staff was required to attend). Thanks for clarifying your interpretation, Supervisor Miller will follow up if needed.

Respectfully,

Jeannie Davis
Chief of Staff
Pima County Supervisor Ally Miller – District 1

From: Chuck Huckelberry

Sent: Tuesday, February 24, 2015 6:16 PM

To: Jeannie Davis

Subject: Re: Health Insurance Memo Clarification

The mandated program completion is for both the PPO and HDHP--all smokers. If they don't want to pay the surcharge they are mandated to take the class.

From: Jeannie Davis

Sent: Tuesday, February 24, 2015 6:23 PM

To: Chuck Huckelberry

Cc: Thomas Weaver; Ally Miller; Allyn Bulzomi

Subject: RE: Health Insurance Memo Clarification

Mr. Huckelberry,

Yes I understand but whether or not it is on County time is where your interpretation differs from what the Board discussed. If the County requires they attend any class, it appears that it has to be on County time per Federal Law.

You said it would not be done on County time-it would be on their own time (per your emails below). You also stated that they would only take the required cessation program if they didn't want to pay the surcharge however the discussion in the meeting indicates there was no way for smokers to not take the cessation classes as it was required no matter what. With that kind of requirement it again indicates the required classes would need to be covered under county time.

Regardless, thank you for your time and providing your opinion of what the Board voted on.

Respectfully,

Jeannie Davis

Chief of Staff

Pima County Supervisor Ally Miller – District 1

P: (520) 724-2738

F: (520) 724-8489

www.allymillerdistrict1.com

**All messages created in this system should be considered a public record subject to disclosure under the Arizona Public Records Law (A.R.S. 39-121) with no expectation of privacy related to the use of this technology.



MEMORANDUM

Date: February 24, 2015

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Medical and Health Benefits for Fiscal Year 2015/16

Given the complexity of the February 17, 2015 discussion by the Board regarding employee health benefit premiums and tobacco surcharges, I am providing the Board with our interpretation of your motion. The table below shows the High Deductible Health Plan (HDHP) and the Preferred Provider Organization (PPO) employee-paid biweekly health insurance premiums for Fiscal Year (FY) 2015/16.

FY 2015/16 Employee-paid Biweekly Health Insurance Premiums.

Level of Coverage	PPO Tobacco Free	PPO Tobacco-User (with \$30 surcharge)	HDHP Tobacco Free	HDHP Tobacco-User (with \$30 surcharge)
Employee (Ee) Only	\$ 60.00	\$ 90.00	\$23.67	\$53.67
Ee + Spouse	138.00	168.00	36.11	66.11
Ee + Child(ren)	135.00	165.00	35.18	65.18
Ee + Family	197.00	227.00	51.41	81.41

As shown above, the tobacco surcharge will be \$30 per pay period for both the HDHP and PPO. As directed by the Board, employees using tobacco products must complete a tobacco cessation program in order to receive a waiver of the tobacco surcharge. Completion of the program is mandatory to receive the waiver. Several options that meet the Affordable Care Act (ACA) minimum requirements and are at no cost to employees are listed on the Employee Wellness Tobacco Cessation website. Employees may enroll in a program that meets their specific needs, provided it meets the minimum requirements of the ACA.

While there are many programs available in the community, the Healthy Lifestyle Coaching (HLC) Tobacco-free Program is a new, County-sponsored benefit for Aetna members with telephonic individual and group counseling sessions available, as well as an eight-week

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Medical and Health Benefits for FY 2015/16**
February 24, 2015
Page 2

supply of Nicotine Replacement Therapy (NRT). To enroll in this program, Aetna members should contact HLC at 1-866-213-0153.

Employees will need to complete a minimum of four counseling sessions in an approved tobacco cessation program at any time throughout the fiscal year and submit proof of completion for the tobacco surcharge to be waived. However, in order to avoid the surcharge beginning July 3, 2015, employees must submit certification of completion before June 15, 2015. Should an employee submit the certification of completion after the June 15 deadline, the surcharge will be stopped the next pay period following submission.

Providing a \$500 advance contribution to an employee's Health Savings Account (HSA) for only those employees who move from the PPO to the HDHP may cause a conflict with the ACA if we do not also provide the same benefit for all members. I have advised Human Resources to fund the County portion of all HSAs as follows: one half on July 3, 2015 and one half on January 15, 2016.

In addition, the plans and plan options available will be explained to all employees by Human Resources staff at multiple employee meetings during the Open Enrollment period. These Open Enrollment sessions are scheduled to begin in mid-March. All current PPO members should attend one of these sessions. Human Resources staff will be informing all employees of the benefit changes approved by the Board of Supervisors.

Please advise if this is a correct interpretation of your action. If it is not, I would be happy to place the matter on the Board's agenda for clarification and direction.

CHH/anc

c: Allyn Bulzomi, Director, Human Resources
Robin Brigode, Clerk of the Board