

## Minutes for May 11, 2009

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**069513 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, May 11, 2009** at **9:00 a.m.** Chairman Michael Largent, Patrick J. O'Neill and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**9:00 a.m. - Call to Order/Board Business/BOCC Workshop.**

**069514 1.** Items discussed included Elevate America, bond rating, negotiator meeting and WSC conference. No action taken.

**9:30 a.m. - Recess.**

**10:00 a.m. - Pledge of Allegiance.**

Present: Kelli Campbell and Joe Smillie.

**D069514A 2. Motion** by Commissioner O'Neill to accept the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

**069515 3.** Claims/Payroll warrants numbered **227767, 227770-227806, 227833-227855** and **227909-228032** for **\$1,170,927.10** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	180.00	55083.38	38,459.31
101	Self Insurance			680.00
102	Building & Development		1,659.60	50.00
103	Countywide Planning		3,004.80	49.55
110	County Roads		16,140.80	679.62
118	Inmate Welfare			91.50
121	County Bulk Purchasing			1,335.38
122	Sheriff's K-9 Unit			15.50
123	Paths & Trails-123.310.000			2,450.00
123	Paths & Trails-BCPT-123.310.001			3,386.06
127	Drug Enforcement-Quad City		400.00	4,453.17
128	Crime Victims/Witnesses		350.00	
129	House Bill 3900-CASA			378.78
135	Prosecutor's Stop Grant		150.00	
136	Electronic Monitoring			247.25
143	Trial Court Improve-143.030.000			22.53
144	Emerg. Communic.-144.260.001		250.00	1,616.67
300	CIP Asset Acq.-300.010.001			7.52

**BOCC MINUTES-05/11/09**

400	Solid Waste		1,250.00	3,885.95
501	Equipment Rental & Revolving		5,012.40	206,692.74
510	Photocopier Revolving			6,762.79
513	Communications Revolving			683.43
660	Whitcom-General-660.911.000			35.18
660	Whitcom-Grant-660.911.001			4,973.36
690	Clearing Fund 690.005.000			187,593.58
ET	Electronic Transfer	464,921.28		

**069516** 4. May 4, 2009 minutes approved.

**069517-069525** 5. Personnel board orders approved.

**069526-069528** 6. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to approve the revised CDL Policy as presented.

**RESOLUTION NO. 069526  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy **CDL Drug and Alcohol Testing Plan.**

**WHEREAS,** this policy has been updated for clarification purposes,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **POL-0410-HR Document #2 CDL Drug and Alcohol Testing Plan**

Dated this 11<sup>TH</sup> day of May 2009 and effective as of May 11, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

\_\_\_\_\_  
Greg Partch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

Effective Date: 5/11/09	<b>POLICY</b>	
Cancels: # 062941		Approved by: BOCC
See Also: POL-0409-HR; PRO-0410-1-HR;		
PRO-0410-2-HR		Res. 069526

POL -0410-HR

CDL DRUG AND ALCOHOL TESTING PLAN

Document 1

This policy applies to all employees in safety sensitive positions.

Definitions

**CDL** - Commercial Driver's License

**Safety Sensitive Functions** - the operation of equipment subject to a commercial driver's license.

**Safety Sensitive Positions** - positions held by employees who perform any work requiring possession of a commercial driver's license.

**DOT** - Department of Transportation

**DOT Covered Substances** - substances tested for in accordance with 49 CFR, Part 382. They include marijuana, cocaine and metabolites, amphetamines and metabolites, opiates, phencyclidine and alcohol.

**Controlled Substance** - any substance whose use and dissemination is controlled by legal regulation.

**Prohibited Conduct** - processing, using, transferring, manufacturing, being under the influence of and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or on County business while designated on call.

**Pre-Employment Test** - a drug and alcohol test conducted after acceptance of a position by the applicant and before his/her first day of work. Passing such a test is a condition of employment.

**Random Testing** - a drug and alcohol testing program whereby CDL drivers are randomly selected for testing.

**Reasonable Suspicion Testing** - a drug and/or alcohol test based on a supervisor's reasonable suspicion of an employee's abuse.

**Post-Accident Testing** - drug and alcohol tests performed on employees involved in an accident with commercial motor vehicles. The accident must include a) the death of a human being; b) bodily injury to a person, who as a result of the injury, immediately receives medical treatment away

from the scene of the accident; c) one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed; d) the driver receives a citation under state or local law for a moving traffic violation arising from the accident; e) the occurrence must be reported to the Federal Highway Administration under applicable regulations.

**Substance Abuse Professional** - a licensed physician, or a licensed or certified psychologist, social worker or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the Internal Certification Reciprocity Consortium/Alcohol and other Drug Abuse).

**1. Whitman County Recognizes Its Responsibility to Provide a Working Environment Free of Drug and Alcohol Abuse.**

This plan is adopted as Whitman County's Drug & Alcohol Testing Plan in accordance with the drug and alcohol testing regulations of the Federal Department of Transportation, Federal Highway Administration and other agencies whose regulations may be applicable to County employees under the federal Omnibus Transportation Employee Testing Act of 1991, for those employees who perform any work that requires possession of a commercial driver's license.

The U.S. Department of Transportation (DOT) has imposed Rule 49 CFR, Part 382. This rule or any successor law mandates urine and drug and breathe alcohol testing of commercial driver's licensed employees and prevents performance of that job based on a positive drug/breath result.

The U.S. Department of Transportation has also enacted Procedures for Transportation Workplace Drug and Alcohol Testing Programs 49 CFR, Part 40, Setting Standards for the Collection and Testing of Urine and Breath Specimens.

Whitman County recognizes its commitment to employees, customers and the public to take reasonable steps to assure safety in the workplace and in the community. Furthermore, Whitman County is concerned about the adverse effect alcohol, drugs and substance abuse may have on safe and productive job performance. Whitman County also recognizes that employees who are affected in their ability to perform their jobs safely and productively, due to physical and emotional problems or abuse of alcohol and other drug substances, jeopardize the integrity of the workplace and the achievement of Whitman County's mission.

**2. The Human Resources Department Shall Maintain a Procedure Manual.**

A procedure manual shall be maintained by the Human Resources Department to administer drug and alcohol testing according to the procedures of the Federal Department of Transportation, Federal Highway Administration.

**3. Federal Regulations Prohibit Behaviors by CDL Drivers.**

Federal (Title 49, CFR Subtitle B, Chapter III, Part 382, Subpart B) and State regulations prescribe prohibited behaviors for drivers subject to those regulations. These prohibited behaviors include:

- Reporting for duty or remaining on duty and performing safety sensitive functions while having an alcohol concentration of 0.04 or greater.
- Possession of alcohol while on duty or operating a commercial motor vehicle.
- Use of alcohol while performing safety sensitive functions.
- Performing safety sensitive functions within four (4) hours after having used alcohol.
- Use of alcohol within eight (8) hours following an accident or before undergoing a post-accident alcohol test, whichever occurs first.
- Reporting for duty or remaining on duty performing safety sensitive functions after having used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- Refusing to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test as directed pursuant to this policy.
- Reporting duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.

Employees who engage in such prohibited behaviors shall be removed from safety sensitive functions and will not be returned to duties performing these functions until the appropriate referral and follow-through are achieved as prescribed in this policy. These actions are the consequences prescribed by Subpart E of the above-referenced Federal regulations. Appropriate disciplinary action shall be considered on the basis of the behavior involved and other circumstances as are normally considered in disciplinary actions.

Performance of safety sensitive functions is prohibited under these conditions: processing, using, transferring, manufacturing and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or while on County business while designated on call.

No County employee shall report for work after having used a controlled substance (as defined in RCW 69.41) which has not been legally prescribed by a health care practitioner. No employee shall report for work while impaired from the consumption of alcohol.

An employee who reports to work while taking a lawfully prescribed, controlled substance shall have obtained a recommendation from their health care provider as to whether the employee may perform the duties of their job in a safe manner. Such recommendation will be required to be in writing if the employee is performing a job which involves driving motor vehicles, operation of equipment or other tasks the safe performance of which may be compromised by the use of controlled substances. If the controlled substance may impair the employee's ability to perform the safety sensitive position, he/she will report it to their immediate supervisor and provide the doctor's recommendation.

**4. Employees Shall Not Remain on Duty When They Engage in Behaviors Described in Provision 3.**

County supervisors and managers shall not permit employees to remain on duty or to perform safety sensitive functions when they engage in any of the above-prohibited behaviors.

**5. Whitman County Shall Perform Alcohol and Controlled Substance Testing.**

As part of the administration of this policy, Whitman County will be performing alcohol and controlled substance testing.

Pre-Employment Testing:

Job applicants who have been given a conditional offer of employment with the County for a position which involves the driving of a commercial motor vehicle shall be informed that a condition of employment includes passing both a drug test and an alcohol breath test as part of the pre-employment physical examination.

Random Testing:

Current employees holding a commercial driver's license, applying for positions which require an employee hold a CDL for the operation of commercial motor vehicles, participate in the County's CDL Drug Testing Program.

Random Alcohol Testing

The minimum annual percentage rate for alcohol testing shall be ten percent (10%) of the average number of driver positions.

Random Drug Testing

The minimum annual percentage rate for random drug testing shall be fifty percent (50%) of the average number of driver positions. All drug tests shall be through urine samples processed by a DHHS-NIDA-certified laboratory.

Reasonable Suspicion Testing:

When a supervisor has a reasonable suspicion that an employee is under the influence of alcohol or drugs while on duty, that supervisor shall make every effort to have the Human Resources staff confirm that suspicion. The suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. If the reasonable suspicion is confirmed, that employee shall be required to submit to a breath test and/or drug test. Only supervisors and managers who have had the required one hundred twenty (120) minutes of training may confirm a reasonable suspicion.

Blood alcohol tests may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a BAT is not readily available.

Post Accident Testing:

As soon as practicable following an accident involving a commercial motor vehicle, the County shall test for alcohol and drugs in each surviving driver who was (a) performing driving functions with respect to the vehicle if the accident involved the loss of human life, regardless of fault, or (b) receives a citation at the site under State or local law for a moving traffic violation arising from the accident, or (c) one or more of the vehicles is disabled and must be towed from the scene.

The accident must include a) the death of a human being; b) bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident; c) one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed; d) the driver receives a citation under state or local law for a moving traffic violation arising from the accident; e) the occurrence must be reported to the Federal Highway Administration under applicable regulations.

The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by Federal, State or local officials having independent authority for the tests shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the County.

Blood alcohol tests may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a BAT is not readily available.

6. **Employees Shall Not Refuse a Drug/Alcohol Tests.**

No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include:

- Failure to provide adequate breath for testing without a valid medical explanation after an employee has received notice of the requirement for breath testing in accordance with the procedure manual.
- Failure to provide adequate urine for controlled substances testing without a valid medical explanation after an employee has received notice of the requirement for urine testing in accordance with the procedure manual.
- Engaging in conduct that clearly obstructs the testing process.

7. **Employees Testing Positive Shall Take Specific Steps Before Returning to Work.**

If a driver tests at least 0.02 but less than 0.04, the driver shall be removed from the job for a least twenty-four (24) hours. The employee may return to work after the completion of the following:

1. After at least twenty-four (24) hours have elapsed from the breath test reading of at least 0.02 but less than 0.04, the employee has taken another breath test.
2. The breath retest showed an alcohol concentration of less than 0.02.
3. The employee provided a copy of the breath retest results to his/her supervisor to be forwarded to the Human Resources Department.

No employee who tested 0.04 or greater on a breath test or who tested positive for any one of the five (5) controlled substances shall be permitted to return to work until he/she:

1. Has been evaluated by a qualified substance abuse professional.

2. If recommended by a substance abuse counselor, has properly followed any rehabilitation prescribed.
3. Has a negative result on a return-to-duty alcohol and/or drug test (depending upon which was failed).

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the substance abuse professional, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty. Employees participating will be entitled to use their accumulated vacation time and sick leave.

In addition, an employee who fails a drug or alcohol test or engages in prohibited behavior will be subject to appropriate disciplinary action up to and including termination. Discipline resulting from a violation of the alcohol and controlled substances policies shall be progressive and subject to the grievance and arbitration procedure.

**8. Whitman County Shall Provide Training.**

The County shall provide all affected employees with copies of this policy, related procedures and other information as follows:

- The identity of the person designated by the County to answer questions about the policy and other training materials concerning the policy.
- The categories of drivers who are subject to the provisions of this plan applicable to commercial drivers.
- Sufficient information about the safety-sensitive functions performed to make clear what period of the workday the driver is required to be in compliance with this policy.
- Specific information concerning driver conduct that is prohibited by this policy.
- The circumstances under which a driver will be tested for the presence of alcohol and controlled substances protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
- The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this plan.
- An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the resulting consequences.
- The consequences for drivers found to have engaged in prohibited behaviors under this plan, including the requirement that the driver be removed immediately from safety sensitive functions and

the procedures for substance abuse referral, evaluation and treatment prior to reinstatement.

- The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- The information concerning the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of and alcohol or controlled substances problem; and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.
- Information concerning the other aspects of this policy to maintain a drug-free workplace such as the requirement to inform the County within five (5) days of any conviction for the use, manufacture, distribution, dispensing or possession of controlled substances on county premises or while conducting County business off County premises.

Each driver shall sign a receipt upon having been provided the above referenced information including a copy of this plan and accompanying procedures for drug testing.

Persons designated to determine whether reasonable suspicion exists to require a commercial driver to undergo alcohol or drug testing will receive at least sixty (60) minutes of training on alcohol and sixty (60) additional minutes on substance abuse. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

**9. Union Representation May be Provided.**

The Human Resources staff shall make reasonable efforts to afford employees the right to union representation whenever an employee is directed to submit to an alcohol or controlled substances test which are for post-accident or reasonable suspicion. All issues relating to implementation of the DOT alcohol and controlled substances testing regulations for employees covered by these regulations are subject to the grievance and arbitration procedures in the collective bargaining agreement. Where an employee's grievance is sustained, the employee shall be made whole, including back pay and fringe benefits with interest, restoration of seniority, return to the employee's original position, and have all adverse references related to alcohol, controlled substance use or testing removed from the employee's record.

The union shall be responsible to provide Human Resources names and telephone numbers for after hour staff available for call out with a maximum of thirty (30) minute response time. If a union

representative cannot be contacted or does not respond within thirty (30) minutes, the County shall proceed with testing as defined in the DOT standard. In return, the County shall make a reasonable effort to secure the release of a Shop Steward/Union Representative from their work duties.

10. **Testing Time May be Compensated.**

All time spent administering an alcohol or controlled substance test, including travel time, will be paid at the employee's regular rate of pay, or at their overtime rate, if applicable. Any employee who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost if tests results are ultimately negative. The employer shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a federally certified laboratory if so requested by the employee.

11. **Employees Observing the Impairment of a Co-Worker Must Report it to His or Her Supervisor.**

An employee who observes or has knowledge of another employee in a condition which impairs his or her ability to perform job duties and poses a hazard to the safety and welfare of others must promptly report the incident to his or her immediate supervisor. The supervisor will immediately notify the Human Resources Department for investigation.

12. **Criminal Convictions Occurring While on Duty Must be Reported.**

An employee who is convicted of a criminal violation occurring in the workplace involving a controlled substance must notify the Whitman County Human Resources Director within five (5) days of the conviction. The Human Resources Director will immediately inform the respective department director.

If the employee performs duties associated with the provisions of a contract or grant received directly from a federal agency, including block grants or entitlement grants, the department director is required to notify the appropriate federal agency of the conviction within five (5) days of the employee's notification.

Within thirty (30) days of notification one of the following actions will be taken:

Whitman County may take appropriate disciplinary action and/or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a

Federal, State, or local health, law enforcement, or other appropriate agency. If so required, satisfactory participation in such a program shall be a condition of continued County employment. The appointing authority shall report any such convictions, disciplinary actions, and rehabilitation requirements to any Federal agency from which the Department received any funding either directly or through a State agency.

**13. Violators of This Policy Shall Be Subject to Discipline.**

Persons violating this policy are subject to discipline up to and including termination. Violations include, but are not limited to, failure of a drug or alcohol test, engaging in prohibited behavior, failing to receive required treatment, etc. Discipline resulting from a violation of the alcohol and controlled substances policies shall be progressive and subject to the grievance and arbitration procedure.

**RESOLUTION NO. 069527  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy **CDL Drug & Alcohol Testing Manual;**

**WHEREAS,** this policy has been updated for clarification purposes,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached POL-0410-HR Document #1 **Drug and Alcohol Testing Manual**

Dated this 11<sup>TH</sup> day of May 2009 and effective as of May 11, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

\_\_\_\_\_  
Greg Partch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

**WHITMAN COUNTY  
 COMMERICAL DRIVER'S DRUG & ALCOHOL TESTING MANUAL  
 UPDATED MAY 2009  
 MANUAL TABLE OF CONTENTS**

<b>Scope</b>	1	Reasonable Suspicion	9
<b>Definitions</b>	1	Post Accident	10
<b>Intent</b>	6	Follow-Up	11
<b>Contractors, Vendors &amp; Visitors</b>	6	<b>Specimen Collection</b>	11
<b>Prohibited Conduct</b>	6	<b>Medical Review Officer</b>	12
Pre Duty	7	<b>Releasing Test Information</b>	12
On-Call	7	<b>Positive Test Consequences</b>	13
Refusal to Test	7	<b>Testing After Rehabilitation</b>	13
False Information	7	<b>Contracts After Treatment</b>	14
Testing Positive	7	Voluntary Referrals	14
Repeated Positives	7	<b>Seeking Assistance</b>	14
Refusal of Discipline	8	<b>Record Retention</b>	15
Refusal of Work Contract	8	Copies	16
<b>Reporting Legal Use</b>	8	Medical Files	16
<b>Types of Testing</b>	8	Confidentiality	16
Pre-Employment	8	<b>Training</b>	16
Random	9	<b>Violators</b>	16

**DRUG AND ALCOHOL TESTING MANUAL**

This manual applies to:

- A. All CDL employees while on Whitman County owned or leased property or while off premises conducting County business.
- B. Employees who are required, in the course of employment, to operate a commercial motor vehicle.
- C. Includes lunch breaks or other break periods, where the employee is scheduled to return to work, designated on-call status and pre-shift periods as applicable.
- D. All CDL employees unless otherwise stated in union contract language.

**Definitions**

**Accident - DOT (FHWA):**

- A. The death of a human being.
- B. Bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- C. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed.
- D. The driver receives a citation under state or local law for a moving traffic violation arising from the accident.

- E. The occurrence must be reported to the Federal Highway Administration under applicable regulations.

**Alcohol Concentration:** - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. When the indicated alcohol concentration on an initial alcohol test is different from an indicated alcohol concentration on a confirmatory test, the employee shall be considered to have the lower indicated concentration.

**Alcohol** - the intoxicating agent in beverage, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

**Alcohol Use** - the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

**Canceled Test (drug)** - a test that has been declared invalid by the MRO. It is neither a positive nor a negative test. This term indicates a specimen that is rejected for testing by a certified laboratory. Further testing is required under pre-employment and return-to-duty testing.

**CDL** - Commercial Driver's License

**Commercial Driver** - any employee who has a commercial driver's license and who may operate a commercial motor vehicle on a regular or intermittent basis at the direction of, or with the consent of the County, including, but not limited to full time, regularly employed drivers, casual, intermittent or occasional drivers.

**Confirmatory Test (alcohol)** - a second test following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

**Confirmatory Test (controlled substances)** - a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**Consulting Physician** - a licensed physician retained by Whitman County to advise on drug testing and other industrial medicine issues, otherwise known as a Medical Review Officer (MRO).

**Contractor** - a person or organization who provides service(s) to or works for Whitman County.

**Controlled Substance** - any substance whose use and dissemination is controlled by legal regulation.

**Covered Substances** - any of the following:

- A. Legally obtained drugs, prescription and non-prescription remedies when used according to directions to alleviate a specific condition.
- B. Illegal drugs, including: (1) drugs which are not legally obtained; (2) drugs which are legally obtainable but have not been obtained legally; (3) drugs which are legally obtained, but are knowingly used for other than the prescribed purpose or in other than the prescribed manner; and (4) so-called "designer" drugs or drug substances not approved for medical or other use by the State Board of Pharmacy, the U.S. Drug Enforcement Administrator or the U.S. Food and Drug Administration.
- C. Unauthorized substances including any substances that are intentionally used to cause impairment of a physical and/or mental functioning.
- D. DOT covered substances that will be tested when called for by DOT, specifically: (1) Marijuana (cannabinoids) and metabolites; (2) cocaine and metabolites; (3) amphetamines and metabolites; (4) opiates; (5) PCP (Phencyclidine); (6) alcohol (ethyl alcohol).

**Designated On-Call Employees** - when a supervisor directs an employee that he/she is on on-call status, as determined by a specific labor agreement, as applicable.

**DOT** - Department of Transportation

**FHWA** - Federal Highway Administration of the U.S. Department of Transportation.

**FHWA Covered Employee** - a person who is applying for or transferring to a FHWA defined position requiring a CDL.

**Medical Review Officer (MRO)** - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the County's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history of any other relevant biomedical information. See 49 CFR, Subpart A, 40.3.

**Post-Accident Testing** - drug and alcohol tests performed on employees involved in an accident with commercial motor vehicles. Post-Accident testing is required in the following situations:

- A. The death of a human being, or.

**BOCC MINUTES-05/11/09**

- B. Bodily injury to a person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
- C. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported or towed, or
- D. The driver receives a citation under state or local law for a moving traffic violation arising from the accident, or
- E. The occurrence must be reported to the Federal Highway Administration under applicable regulations.

**Pre-Employment Test** - a drug and alcohol test conducted after acceptance of a position by the applicant and before his/her first day of work. Passing such a test is a condition of employment.

**Prohibited Conduct** - processing, using, transferring, manufacturing, being under the influence of and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or on County business while designated on call.

**Proof of Wellness** - a written notice from the treatment specialist or substance abuse professional indicating the applicant/employee is no longer dependent on some drug/alcohol substance to the extent it can affect safe and productive work.

**Random Testing** - a drug and alcohol testing program whereby CDL drivers are randomly selected for testing.

**Reasonable Suspicion Testing** - a drug and/or alcohol test based on a supervisor's reasonable suspicion of an employee's abuse.

**Refuse to Submit** - any of the following:

- A. A verbal declination after being given a clear and specific order to submit to urine and/or breathe testing.
- B. An employee fails to provide adequate breath for testing or the non-production of a urine specimen without a valid medical explanation after he or she has received notice of the requirement to be tested.
- C. An employee engages in conduct that clearly obstructs the collection process.

**Safety Sensitive Functions** - the operation of equipment subject to a commercial driver's license. Safety-sensitive positions are those held by employees who perform any work that requires possession of a commercial driver's license.

**Safety Sensitive Positions** - positions held by employees who perform any work requiring possession of a commercial driver's license.

**SAMHSA** - the Substance Abuse and Medical Health Service Administration, U.S. Department of Health and Human Services.

**Screening Test (alcohol)** - an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.

**Substance Abuse Professional** - a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the Internal Certification Reciprocity Consortium/Alcohol and other Drug Abuse).

**Under the Influence** - a covered substance is present in the body and is detected by breath alcohol testing (0.02 BAC or greater) or urine drug testing (a confirmed positive). For purposes of this policy 0.02 BAC is established as the lowest conclusive detectable level in breath alcohol testing, however, noting breath odor is conclusive to remove an employee from service and will subject the individual to reasonable suspicion testing.

**2. This Manual is Intended to Establish Rules for Meeting Drug/Alcohol Testing Regulations.**

This manual is intended to establish procedures for implementing the policies established and required by law and insure consistent practices when conducting alcohol and drug testing. The law is very specific regarding many of the procedures included in this document. Those cannot be altered. There are various other procedures that naturally and logically direct themselves. Those may be adjusted from time to time when it is apparent that reasonable changes are needed. At those times the issue will be discussed with the appropriate collective bargaining representatives, if necessary.

The law is written to protect the health and safety of the public and work force, not to infringe on anyone's personal rights. Certain procedures, designed to insure the integrity of the tests and law, must be followed or discipline, including discharge, could apply. It is not the intent of management of either the County or the Unions to terminate anyone. However, everyone must understand that the intent of the policy and procedures must be recognized as very serious and important.

**3. Independent Contractors, Vendor Employees and Visitors Are Expected to be Drug/Alcohol Free.**

Independent contractors, vendors, their employees and visitors are expected to be free from the effects of drug or alcohol use/abuse while conducting business for or in the name of Whitman County. As a consequence, contractors, vendor employees or visitors found to be violating this policy will not be allowed to continue conducting business and their supervisor, if appropriate, will be notified.

**3. Whitman County Prohibits Conduct Regarding Drugs and Alcohol.**

Performance of safety-sensitive functions is prohibited under these conditions:

Processing, using, transferring, manufacturing, and/or trafficking a controlled substance while on the job, on Whitman County property, in a County vehicle or while on County business while designated on call.

Any employee engaging in a sale or attempted sale, purchase, transfer, or possession with intent to deliver illegal drugs, unauthorized substances or alcohol on Whitman County property, in a Whitman County vehicle or equipment or while on Whitman County business will be subject to disciplinary action. Law enforcement authorities shall be notified in all cases and their investigation will be utilized for determination of violation of this policy/procedure.

The consumption of alcohol is never a business obligation. Employees will not consume beverages containing alcohol while conducting Whitman County business. When in doubt, the best advice is don't drink!

**Pre-Duty Use:** No County employee shall report for work after having used a controlled substance which has not been legally prescribed by a health care practitioner. No employee shall report for work while impaired from the consumption of alcohol.

**Designated On-Call Use:** No employee who is on designated on-call status shall consume alcohol/drugs during the period of their on-call status. Employees on designated on-call status shall inform their immediate supervisor of any inability to perform safety sensitive functions before commencing work. The supervisor shall inform Human Resources of any drug/alcohol incident.

Any employee, prior to reporting to work, that acknowledges the use of alcohol/drugs during designated on-call status may be subject to MRO and substance abuse evaluation.

Any employee reporting to work after having consumed alcohol during their designated on-call status and failing to notify their supervisor will be regarded as "being under the influence."

**Refusal to Submit to a Drug/Alcohol Test:** Refusal to submit to a drug/alcohol test is interpreted as any of the following:

- A. Insubordination as it relates to any employee refusing to comply with a request for a drug/alcohol test.
- B. Any employee leaving the scene of an accident before Department Head/Elected Official or Human Resources makes a testing decision. The only exception would be in cases where law enforcement and/or medical transportation is required.
- C. Any employee consuming alcohol after an accident and before a testing decision is made.
- D. Any misconduct by a Whitman County employee that clearly obstructs the collection process.

**Providing False Information and/or Attempting to Contaminate or Alter a Urine Specimen:** Any employee providing false information about a urine specimen and/or attempting to contaminate a urine specimen will be subject to disciplinary action.

**Testing Positive for Prohibited Drugs/Alcohol and Unauthorized Substances:** Should an employee test positive on a drug/alcohol test, the employee will be subject to a drug and alcohol testing plan for CDL drivers.

**Testing Positive for Prohibited Drugs/Alcohol and Unauthorized Substances on a Second or Subsequent Occasion:** Should an employee be retained or be re-employed following an initial positive test and then test positive for a prohibited drug, alcohol or unauthorized substance on a second or subsequent occasion and within five years of a prior positive drug/alcohol test, the employee will be subject to disciplinary action.

**Refusal of Discipline:** If an employee was found to be operating (or reporting to work with the intention of operating) a motor vehicle/equipment or performing any other safety-sensitive function and found to be positive (confirmed drug positive by the MRO, as defined in this policy, or a BAC of 0.02 or greater), the employee will be suspended without pay pending substance abuse evaluation and MRO review. Refusal will result in disciplinary action.

**Refusal of a Return to Work Contract (RTW)**: If it is found the employee requires treatment he/she will be subject to a RTW contract requiring treatment and random drug/alcohol testing. Any employee refusing or failing to comply with the RTW contract treatment requirements or after-care treatment requirements will be subject to disciplinary action.

**4. Employees Must Report the Use of Legally Obtained Drugs Before Beginning Work.**

Employees adversely affected due to their use of any legally obtained drugs (prescription or non-prescription) cannot be allowed to perform a safety sensitive job. Employees must immediately report to their supervisor any affect and the supervisor may attempt to transfer the employee to a non-safety sensitive task or send the employee home on sick leave status. The supervisor shall contact Human Resources for direction.

**Level of Notification Required**: Prior to commencing work, each employee must report the use of any prescription or non-prescription drug which may affect work performance or contain a cautionary label regarding the operation of equipment or vehicles. Employees taking prescription medication(s) with cautionary labels will provide written medical authorization to work from a physician.

**5. Whitman County Recognizes Five Kinds of Drug/Alcohol Testing.**

Whitman County recognizes five kinds of drug/alcohol testing. They include pre-employment, random, reasonable suspicion, post-accident and return to work testing.

**Pre-Employment Testing**: All offers of Whitman County employment are contingent upon the applicant successfully passing a drug and alcohol test. No applicant will be assigned to work until they have passed a urine drug and breathe alcohol test. Breath alcohol testing clearance shall not be given if the alcohol concentration level is 0.02 BAC or greater.

All applicants for a position requiring a CDL will be subject to the collection of a breath sample to determine if current consumption of alcohol is present. Pre-employment breath alcohol testing is prohibited for non-CDL applicants.

All applicants being hired for safety sensitive tasks will be subject to a urine test for illegal and/or unauthorized substances.

Applicants will be notified of the requirements to pass a drug/alcohol test at the time of application for employment. When a pre-employment drug test is determined to be a canceled test by the MRO, the applicant will be required to immediately submit to another urine specimen for testing.

Applicants who test positive without adequate explanation acceptable to the MRO will not be considered for employment until:

- For non-CDL positions - six months has passed; or
- For CDL positions - the next available position after a six-month waiting period, with written proof of wellness.

**Random Testing:** Effective January 1, 1996, random testing is required of all employees working in safety sensitive positions. This means tests are unannounced, and every commercial motor vehicle driver has an equal chance of being selected for testing. Employees shall be selected randomly. Selection rates will be no less than 50% for urine drug testing and 10% for breath alcohol tests.

Employees, when notified of a random test selection, shall cease work functions and will immediately proceed to the appropriate medical facility for testing. Random testing shall occur on County time. Suspensions due to positive test results are not paid time.

**Reasonable Suspicion Testing:** All CDL employees will be subject to drug/alcohol testing if there is reasonable suspicion to believe he/she may be under the influence of some drug and/or alcohol. Reasonable suspicion for drug/alcohol testing means specific, contemporaneous observations concerning the appearance, behavior, speech or body odors of the employee.

An alcohol reasonable suspicion determination must be based on observations and facts just before or while the employee is to or has performed work for Whitman County. The Whitman County Human Resources Director/designee will make final determination for testing on all reasonable suspicion cases.

Employees tested due to reasonable suspicion shall be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present. They will also be subject to a urine drug test for DOT covered substances.

When reasonable suspicion exists, the affected employee will be removed from safety-sensitive work, questioned and observed. A decision by the supervisor to request a drug/alcohol review will be based on observation and facts only. The employee shall be interviewed in a private area by Human Resource representatives. All

requests for reasonable suspicion must be verified by a member of the Human Resources Department who has drug/alcohol test authority. Department Heads, managers and supervisors are expected to base testing requests on objective observations and thorough documentation. Human Resources staff shall utilize these observations and documentation along with their own observations to determine whether a drug/alcohol test is warranted. If the Human Resources Director or his/her designee is not working, and the case is urgent, the Department Head/Elected Official with the confirmation of another member of management may recommend testing. Both the Department Head/Elected Official and the other member of management must have completed the required DOT substance abuse awareness training before referring any employee for testing.

If reasonable suspicion is confirmed the employee will be relieved of duty without pay. However, the employee may use any type of leave available to him/her including sick leave, but not including administrative leave, until the results of the drug and/or alcohol test are complete and verified by the MRO and the Whitman County Human Resources Director. If the tests are negative, then all leave utilized will be reinstated.

The employee will be provided transportation home, a responsible third party may pick them up, or with their consent, drive their vehicle home. If the employee refuses and demands to drive his/her vehicle, Whitman County will notify Law Enforcement.

All requests for testing will be reduced to writing and will be reviewed and approved by the Whitman County Human Resources Director.

**Post-Accident Testing:** All CDL employees will be subject to drug/alcohol testing if an accident occurs as defined in this manual.

Employees will be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present and a urine drug test. Blood alcohol tests may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or a BAT is not readily available. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by Federal, State or local officials having independent authority for the tests shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the test are obtained by the County.

Post-Accident steps shall be as follows:

- A. After an accident has occurred any injuries to those individuals involved shall be treated first. The physical health of the driver, responsible employee, or general public is always a higher priority than the collection of a drug and/or alcohol sample.
- B. Local law enforcement investigations take first priority in all accidents. If law enforcement conducts alcohol/drug tests, these test results will be utilized by the Whitman County Human Resources Director.
- C. Testing for reasonable suspicion will be conducted for cause as defined in this manual.
- D. Human Resources shall notify the appropriate medical facility of the need for a specimen.
- E. The MRO shall be notified by Human Resources of the accident circumstances. The MRO shall contact the hospital and attending physician and coordinate the sample taking and sample handling with final determination of test results to the Human Resources Office.
- F. The specimen shall be collected as soon as possible after the accident. Alcohol testing must occur within two hours of the accident. If the collection occurs after two hours but within eight hours of the accident, a report must be filed with FHWA. Urine collections must occur within 32 hours of the accident.
- G. If the accident results in the death of the employee, all those involved must cooperate with law enforcement and the Coroner.
- H. An accident investigation shall be coordinated with local law enforcement by the Human Resources staff. All documentation such as law enforcement reports, photographs, etc. shall be secured and preserved by the Whitman County Human Resources Director.

Department Heads, managers and supervisors are expected to base testing requests on objective observations and thorough documentation. Human Resources shall utilize these observations and documentation along with their own observations to determine whether a drug/alcohol test is warranted.

**Follow-Up Testing:** Employees who test positive for drugs and/or alcohol shall be subject to further testing before they may return to work and as part of their rehabilitation program. See section ten (10) for further details.

6. **Specimen Collection Shall be in Accordance with County Policy, State and Federal Regulations.**

**Collection:** Urine and /or breath specimens will be collected at the appropriate medical facility in accordance with State and Federal regulations. The only people authorized to collect specimens must

have the required DOT qualification training and be in one of the following categories:

- A. Urine - people trained in the SAMLSA collection process.
- B. Breath - people trained as Breath Alcohol Technicians in a DOT approved training program.
- C. Blood - persons authorized or certified by Washington State law to draw blood.
- D. For Whitman County the authorized specimen collection people are: the assigned medical facility; an MRO for urine, breath and blood; and Occupational Health Nurse for urine breath and blood.

Breath and urine specimens will be collected strictly in accordance with established collection protocols and will strictly adhere to collection requirements as specified in 49 CFR Part 40, "Procedures for Transportation Workplace Drug & Alcohol Testing Programs."

**Split Specimens:** All urine specimens for FHWA covered employees will be split in two specimens and shipped to the certified laboratory. If the drug test result of the primary urine specimen is verified positive, the second sample shall automatically be tested by a separate DHHS-certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall review results of both tests and make a determination on the results.

**Laboratories:** Only laboratories and laboratory systems approved for the testing of urine specimens by the U.S. Department of Health and Human Services, SAMHSA will be used. The laboratory will periodically provide summary information and number of tests and results to Whitman County Human Resources.

**7. A Medical Review Officer (MRO) Shall Verify Testing Results.**

The MRO will be the sole recipient of drug testing results from the laboratory. He/she will verify that the laboratory report of a positive result is reasonable, and if necessary shall:

- A. Review the individual's medical history, including any medical records and biomedical information provided.
- B. If necessary, meet/converse with the employee and discuss the test results with 72 hours of notice of a positive test results.
- C. Determine whether there is a legitimate medical explanation for the positive test result, including legally prescribed medications.
- D. Request, as needed, pertinent analytical records.
- E. Determine if there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium

derivative if the laboratory does not confirm the presence of 6-monoacetylmorphine.

The MRO's scope of review shall include post-accident tests and the ability of an employee to report to work or continue to work when under the influence of over-the-counter medication and/or prescription medication. He/she shall also review the records and examine, when appropriate, all employees returning to duty after a positive drug urine or alcohol breath test and approve the return to duty, as necessary.

**8. The Release of Test Results Shall be Restricted.**

Test results shall be released only under the following circumstances and in accordance with 49 CFR, Part 40, Section 40.81.

The MRO will report all positive and negative test results (after review) to the Whitman County Human Resources Director or his/her designee.

The MRO may release the test results to a third party only with the approval of the Whitman County Human Resources Director, his/her designee or when the individual tested signs an authorization for the release to an identified person.

The MRO may release the results of a drug/alcohol test to the person who was tested.

Testing laboratories may report results and make inquiries to the MRO, the Whitman County Human Resource Director or his/her designee, as appropriate.

The MRO and the Whitman County Human Resources Director or his/her designee will have direct contact with substance abuse professionals regarding drug positives.

**9. Employees Testing Positive Shall Face Consequences.**

Testing positive and/or participating in any prohibited behavior as defined by this manual and policy POL.-4010- HR shall subject the employee to discipline up to and including termination. If the Department Head chooses not to terminate the employee, he/she shall at least be removed from duty until certain steps are taken.

**Alcohol Testing:** If a CDL employee tests at least 0.02 but less than 0.04, the driver shall be removed from the job for at least twenty-four (24) hours. Between the time an employee tests at least 0.02 but less than 0.04, the employee may use any type of leave available to

him/her, including sick leave but not including administrative leave, or at the Human Resource Director's discretion (if it is the employee's first positive test), the employee may be placed in a non-safety sensitive function, if available. When the employee returns to duty, a pre-disciplinary hearing shall be convened to address the impairment. The employee may return to work after the completion of the following:

- A. After at least twenty-four (24) hours have elapsed from the breath test reading of at least 0.02 but less than 0.04, the employee has taken another breath test; and
- B. The breath retest showed an alcohol concentration of less than 0.02.
- C. The employee provided a copy of the breath retest results to his/her supervisor to be forwarded to the Human Resources Director.

**Alcohol and Drug Tests:** No employee who tested 0.04 or greater on a breath test or who tested positive for any of five (5) controlled substances shall be permitted to return to work until he/she:

- A. Has been evaluated by a qualified substance abuse professional.
- B. If recommended by a substance abuse counselor, has properly followed any rehabilitation prescribed; and signs a return-to-work agreement.
- C. Has a negative result on a return-to-duty alcohol and/or drug test (depending upon which was failed).

10. **Employees Shall Be Subject to Testing After Returning From a Rehabilitation Program.**

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the substance abuse professional, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty. Employees participating will be entitled to use their accumulated vacation time and sick leave as prescribed in the drug/alcohol policy. All return to work and follow-up testing costs will be paid for by the employee.

No employee shall return to work after a positive test for alcohol (0.04 or above) or drugs (positive finding from the MRO) until they have been evaluated and released for duty by the MRO.

Return to work and follow-up testing shall consist of breath sample(s) to determine if current consumption of alcohol is present. They shall also include urine drug tests for DOT covered substances.

Employees performing a safety sensitive function will have two (2) urine specimens (split specimen) collected for the covered substances test under the DOT rule.

**Canceled Tests:** When a return to duty test is determined to be a canceled test by the MRO, the employee will be required to immediately submit another urine specimen for testing.

11. **A Re-Entry Contract Shall be Required for Employees Returning to Work From Drug/Alcohol Treatment.**

Employees re-entering the workforce after a mandatory referral for a return to duty issue will agree to a re-entry contract. That contract may include:

- A. A release to work statement from an approved treatment specialist and/or attending physician.
- B. A written treatment plan setting out treatment, after care and follow-up treatment procedures with the assistance of a treatment specialist/counselor and MRO for a minimum of six (6) months. Longer periods of follow-up may be specified by the treatment specialist or MRO.
- C. Review and approval of the plan by the Whitman County Human Resources Director, Elected Official or Department Head, MRO and the employee's representative(s).
- D. A negative test for drugs, unauthorized substances and alcohol.
- E. Agreement to unannounced drug/alcohol testing (for up to five (5) years).
- F. Specific agreement on any performance issues that outline compliance requirements.
- G. Specific agreement by the employee that any violation of the terms and conditions of the agreement may be grounds for termination.

**Voluntary Self-Referral:** Employees self referring to a substance abuse treatment program, with the prior knowledge of the Whitman County Human Resources Director and Elected Official/Department Head must agree to a re-entry contract. The contract will only include a release to work statement from the attending physician and/or treatment specialist, with the review and approval of the Whitman County Human Resources Director.

12. **Employees Who May Have Drug/Alcohol Problems Are Strongly Encouraged to Seek Assistance.**

Whitman County highly encourages employees who may need assistance with alcohol/drug related problems to come forward before those problems affect their job performance or become an enforcement action

due to a positive drug/alcohol test. Employees who seek voluntary assistance prior to the drug/alcohol problem becoming a compliance issue may be considered for accommodation during the evaluation and treatment time period.

Employees, on a voluntary basis, who are referred as a part of a supervisory performance counseling or intervention are assured of confidentiality. Only those who are in the chain of responsibility and Human Resources may be made aware of a management referral/treatment situation. All others will be required to secure a signed "release of information" by the affected employee.

In an employee tests positive for the presence of alcohol or prohibited drugs and is requesting to be considered for a "return to work contract" they shall agree to be evaluated by a SAP and may be required to agree to fulfill the specific steps of the treatment before being considered for retention. Whitman County employees may be allowed the opportunity for on-the-job rehabilitation following a positive alcohol or drug test under the following conditions:

- A. Voluntary self-referrals by the employee prior to any type of accident or incident.
- B. Management intervention/referral prior to any accident or incident.
- C. First time positive drug or alcohol test (unrelated to any accident or incident).

No employee shall return to work after a positive test for alcohol (0.04 or above) or drugs (positive finding from the MRO) until they have been evaluated and released for duty by the MRO.

**13. Testing Records Shall be Retained by Human Resources.**

Original test results will be maintained by the Whitman County Human Resources Department. All test results will be stored in a secure location with controlled access. All records relating to the urine and alcohol collection process will also be maintained by Human Resources.

Unless extended by State and/or Federal regulations, records shall be retained as follows:

- A. Ten (10) years for records relating to the administration of the Fit for Work policy including policy and program development, employee awareness and training, collection site training and program administration.

- B. Drug and alcohol test results and documentation will be kept by the Whitman County Human Resources Department for 7 years after an employee separates from County employment.

The Whitman County Human Resources Department, or its contracted third party administrator, will file an annual report with DOT summarizing the results of the anti-drug and alcohol misuse prevention program.

**Requesting Copies:** An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, and/or alcohol tests. Whitman County shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

**Medical Files:** All test results will be regarded as medical data and will be stored in the employee's occupational health file in the Human Resources Department. Its confidentiality shall be in compliance with 49 CFR, Part 40, Section 40.81 and all other County policies, State and Federal regulations.

Any direct requests from an employee for assistance with a drug/alcohol problem, as well as knowledge of his/her attendance at a substance abuse treatment program, will also be made part of the employee's confidential medical file. Any disclosure must be approved by the Whitman County Human Resources Director, the employee and/or in compliance with State and Federal regulations.

**Confidentiality:** Department Heads/Elected Officials, managers, supervisors and Human Resources shall treat ALL testing reasons, results and fitness for duty communication strictly on a need-to-know basis.

**14. All Employees Will Receive Drug/Alcohol Abuse Training.**

All employees will receive information and training on:

- A. Effects and consequences of drug and alcohol use on personal health/safety and the work environment.
- B. Manifestations and behavioral clues indicative of drug and alcohol use and abuse.

All supervisors/managers will receive training on the physical, behavioral and performance indicators of probable drug and alcohol use.

**New Employees:** All newly hired employees will participate in an alcohol and drug abuse awareness session prior to assuming duties in the workplace.

**New Supervisors:** All newly promoted or hired supervisors/managers receive training on the physical, behavioral and performance indicators of probable drug/alcohol prior to assuming their new duties.

**15. Violators Shall be Subject to Discipline.**

Violators of the rules spelled out in this manual shall be subject to discipline up to and including termination.

An employee who fails a drug or alcohol test or engages in prohibited behavior will be subject to appropriate disciplinary action. Discipline resulting from a violation of the alcohol and controlled substance policies shall be subject to the grievance and arbitration procedure.

Department Heads/Elected Officials, managers and supervisors who knowingly disregard the requirements of this policy with respect to fit for work concerns will be regarded as neglecting their responsibilities.

**RESOLUTION NO. 069528  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Procedure **Conducting Random Drug and Alcohol Testing,**

**WHEREAS,** this procedure has been updated for clarification purposes,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **PRO-0410-1-HR Conducting Random Drug and Alcohol Testing;**

Dated this 11<sup>TH</sup> day of May 2009 and effective as of May 11, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

Effective Date: 5/11/09

**PROCEDURE**

Cancels: 062957

Approved by: BOCC

See Also: POL-0410-HR

Res. 069528

PRO -0410-1- HR

**CONDUCTING RANDOM DRUG/ALCOHOL TESTING**

**Action By:**

**Action:**

**Human Resources**

1. **Receives** randomly selected employees for drug and/or alcohol testing.
2. **Consults** with Public Works on testing location for each selected employee.
3. **Schedules** a drug and/or alcohol testing appointment for each employee with the appropriate medical facility.
4. **Completes** the appropriate testing paperwork.
5. **Notifies** Public Works of who is to be tested and when.

**Public Works**

6. **Notifies** the appropriate employee just before his/her appointment to report for testing

**Employee**

7. **Immediately** reports to Human Resources.

**Human Resources**

8. **Provides** the employee with testing paperwork.

**Employee**

9. **Immediately** reports to the appropriate medical facility.

**Medical Facility**

10. **Participates** in the appropriate tests.

11. **Returns** to work.

**Laboratory**

12. **Sends** the specimen to a laboratory for analysis.

13. **Tests** the specimen.

14. **Sends** the results to ChoicePoint.

**CheckPoint**

15. **Notifies** Human Resources of the results.

**Human Resources**

16. If the result is negative, **files** the notice.

17. If the result is positive, **notifies** the Department Head/Elected Official.

18. **Assists** the Department Head/Elected Official with **investigating** the situation and **taking** the necessary action.

Effective Date: 10/04/04

PROCEDURE

Cancels:  
See Also: POL-0410-HR

Approved by: BOCC  
Res. 069528

PRO -0410-2- HR      REPORTING CRIMINAL CONVICTIONS

Action By:

Action:

Employee

1. Is **convicted** of a drug/alcohol-related violation occurring in the workplace.
2. **Notifies** the Human Resources Director within 5 days of the conviction.
3. **Records** the notification.
4. **Notifies** the employee's Department Head/Elected Official.
5. **Ensures** the employee has been **removed** from all safety sensitive functions.
6. **Determines** if the employee's duties are associated with federal contracts or grants
  - 6a. If no, **moves** to step seven.
  - 6b. If yes, **notifies** the appropriate federal agency within 5 days of the employee's notification.
7. **Determines** within 30 days if the employee will face disciplinary action or be required to participate in a rehabilitation program (If this decision has not already been made).
8. **Communicates** the decision to all federal agencies providing funding to the department.
9. **Communicates** the decision to the employee.
10. If disciplined, **prepares** and **acts** in accordance with all requirements.
11. If sent to rehabilitation, **follows** the steps required in policy POL--HR.
12. **Returns** to work under the rehabilitation requirements.

Human Resources

Department Head/  
Elected Official

Employee

069529      7. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve resolution #069529 authorizing a special election for the Town of Malden for annexation to the Whitman County Rural Library District.

RESOLUTION NO. 069529

A RESOLUTION OF THE WHITMAN COUNTY COMMISSIONERS CALLING FOR A SPECIAL ELECTION ON NOVEMBER 3, 2009, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT THE TOWN OF MALDEN SHALL JOIN AND BE ANNEXED TO THE WHITMAN COUNTY RURAL LIBRARY DISTRICT.

WHEREAS, the Town of Malden desires to declare its intention to be annexed to the Whitman County Rural Library District; and,

WHEREAS, pursuant to the Revised Code of Washington (RCW) 27.12.360, the process of such annexation is initiated by an ordinance of the Town of Malden Council stating the Town's intent to join the Whitman County Rural Library District and finding that the public interest will be served thereby; and,

WHEREAS, having reviewed the options for providing library services to the residents of the Town of Malden, the Town of Malden Council passed Ordinance No. 459 declaring its intent to join and be annexed to the Whitman County Rural Library District; and,

WHEREAS, the Whitman County Rural Library Board of Trustees voted on February 17, 2009 to accept the Town of Malden's request to seek annexation to the Library District; and,

WHEREAS, RCW 27.12.370 states, "The County legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next date provided in RCW 29.13.010, but not less than forty-five days from the date of the declaration of such finding"

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Whitman County Commissioners:

Section 1. The Whitman County Commissioners hereby call for a special election on November 3, 2009, pursuant to RCW 27.12.370; the Whitman County Auditor shall provide notice of the election as provided in RCW 29.27.080.

Section 2. The Whitman County Auditor shall conduct the election in accordance with general election laws and the Whitman County Canvassing Board shall canvass the election.

Section 3. No person shall be entitled to vote at this election unless he/she is a qualified elector within the boundaries of the City of Palouse.

Section 4. The proposition to be submitted at the special election shall be in the form of a ballot title as follows:

PROPOSITION

ANNEXATION OF THE TOWN OF MALDEN TO THE WHITMAN COUNTY RURAL LIBRARY DISTRICT

Shall the Town of Malden be annexed to and be part of the Whitman County Rural Library District:

- Yes
- No

Section 5. If a majority of persons voting on the annexation proposition vote in favor of annexation, the Town of Malden shall be annexed to and constitute a part of the Whitman County Rural Library District effective as provided by law.

Section 6. The Clerk of the Board of the Whitman County Commissioners shall forward a copy of this resolution as adopted to the Whitman County Auditor, Town of Malden Council and the Whitman County Rural Library District.

ADOPTED this 11th day of May 2009.

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

/s/ Denis Tracy  
County Prosecutor

\_\_\_\_\_  
Michael Largent, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

069530 8. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the James Schierman 3<sup>rd</sup> Outdoor Amusement or Assemblies event permit.

9. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to approve the following grant application data forms for Public Health:

- 069531 State Department of Health ACS-Ask Me Campaign for \$2,000
- 069532 State Department of Health EHP-Drinking Water TA for \$4,000
- 069533 State Department of Health EHP-Drinking Water SS for \$2,750

**BOCC MINUTES-05/11/09**

**069534** 10. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to authorize the Chairman to sign the Homelessness Prevention and Rapid Re-Housing Program grant application for Community Action Center.

**069535** 11. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize the Chairman to sign the 2009-2010 WSAC Retrospective Rating Program agreement (06/30/10).

**069536** 12. Commissioners' pending list reviewed.

**10:20 a.m. - Emergency Communications Shelter.**

Present: Steve Krigbaum, Robin Cocking and Joe Smillie.

**069537** Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to award the bid for an Emergency Communications shelter to Sabre Communications Corp. in the amount of \$45,200 without tax. The bid contract signed by the Board.

**10:30 a.m. - Recess.**

**11:00 a.m. - Mark Storey, Public Works Director.**

Present: Phil Meyer and Joe Smillie.

**ACTION ITEMS**

**069538** 1. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to award the bid for crushing at the Repp Quarry to Shawnee Rock for a total bid amount of \$84,550.00.

**069539** 2. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to award the bid crushing at the Glorfield Quarry to Shawnee Rock for a total bid amount of \$129,740.00.

**069540** 3. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that the Glorfield Quarry stockpile site lease agreement be signed as presented.

**Engineering Division:**

**D069540A** 4. The Director informed the Board revised map books showing city/town annexations are now available.

**Maintenance Division:**

**BOCC MINUTES-05/11/09**

**D069504B 5.** Paint striping and crack sealing across the county and hope to begin seal coating in June. The gravel road system is in pretty good shape and all dirt roads have been graded.

**11:15 a.m. - Recess.**

**2:00 p.m. - Pullman North Quarry.**

Present: Mark Storey, Phil Meyer and Gary and Mark Cochran.

**069541** The following bids were received for crushing at the Pullman North Quarry.

<b>BIDDER</b>	<b>AMOUNT</b>
Shawnee Rock, Pullman, WA	\$150,000.00

The commissioners will make an award May 18th.

**2:05 p.m. - Recess.**

**2:30 p.m. - Board Business Continued/BOCC Workshop.**

Present: Joe Reynolds, Bob Lothspeich, Mark Storey, Denis Tracy and Joe Smillie.

**069542 13.** SB 5045 was discussed. No action taken.

**3:30 p.m. - Adjournment.**

**D069542A** Commissioner O'Neill **moved** to adjourn the **May 11, 2009** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **May 18, 2009**. The foregoing action made this **11th** day of **May 2009**.

ss/ GREG PARTCH, COMMISSIONER  
ss/ PATRICK J. O'NEILL, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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MICHAEL LARGENT, CHAIRMAN  
Board of County Commissioners

BOCC MINUTES-05/11/09

**069543** THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for a **Special Meeting** on **Friday, May 15, 2009** at **1:00 p.m.** Chairman Michael Largent and Greg Partch (via phone), Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**1:00 p.m. - Call Special Meeting to Order/Board Business.**

Present: Sgt. Dan Dornes, City of Pullman Police Department and Joe Smillie.

**069544** Chairman Largent stated the purpose of this special meeting is to consider entering into an interlocal agreement with the City of Pullman relative to the City's Justice Assistance Grant.

Sgt. Dornes explained although Whitman County will not be receiving any of \$21,060 grant funds, an interlocal agreement it is a requirement of the grant application process.

Commissioner Partch **moved** Chairman Largent **seconded** the motion and it **carried** to sign an interlocal agreement with the City of Pullman for the City's Justice Assistance Grant (JAG).

**1:10 p.m. - Adjournment.**

**D069544A** Commissioner Partch **moved** to adjourn the **May 15, 2009** special meeting. Motion **seconded** by Chairman Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **May 18, 2009**. The foregoing action made this **15th** day of **May 2009**.

ss/ GREG PARTCH, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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MICHAEL LARGENT, CHAIRMAN  
Board of County Commissioners