

Minutes for September 27th, 2004

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062936 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **September 27, 2004 at 10:00 a.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:00 a.m. – Board Business.

062937 Not used.

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

Present: Tammy Lewis and Kelli Campbell.

D062937A 1. Motion by Commissioner Finch to approve the consent agenda with the deletion of item #3. Motion **seconded** by Commissioner Partch and **carried**.

062938 2. Claims/Payroll warrants numbered 167795-167947 for \$119,626.11 approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	47,895.32
102	Building & Development	372.80
103	Countywide Planning	47.26
110	County Roads	28,399.57
117	Boating Safety	443.86
118	Inmate Welfare	342.74
119	Emergency Services	560.38
123	Paths & Trails	288.71
126	Treasurer's M&O	430.40
127	Drug Enforcement	3,607.52
134	Elections Reserve Fund	1,089.03
135	Prosecutor's Stop Grant	2,970.67
142	Whitcom-911	8,087.34
400	Solid Waste	2,091.73
501	Equipment Rental & Revolving	22,875.06
513	Communications Revolving	123.72

062939 3. September 20, 2004 minutes approved.

062940 4. The 2005-06 county lobbyist contract was before the Board. Commissioner Partch stated he intends to vote to approve the contract because the lobbyist provides valuable information and has opened many doors for him. Without him, the Board would not have come anywhere close to what the lobbyist has been able to do for Whitman County. Commissioner Finch concurred and said he personally spoke with the lobbyist about the numerous projects he is involved with in addition to lobbying. Mr. Potts indicated he has terminated a couple other projects, thereby devoting more of his time to lobbying. Chairman Wigen felt he could not support the contract,

even if it was with his brother. He thought the money could be used in better places and he personally depends on the 9th district legislators for this service. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion to approve the 2003-05 lobbyist contract. Chairman Wigen voted **nay**. Motion **carried**.

062941 5. Ms. Campbell explained the Washington State Department of Transportation requires the county to have a drug and alcohol testing policy as well as a manual for the county’s CDL holders. The county’s current policy was updated and reformatted. The only change was to add a provision for a witness in the event someone might be under reasonable suspicion. The current policy only names the Human Resources Director to be a witness, but if she is not available someone else needs to witness and the reason for the amendment. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** that the revised CDL Policy be adopted as presented.

RESOLUTION NO. 062941

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF adoption of the Whitman County Policy **CDL Drug and Alcohol Testing;**

WHEREAS, this policy has been reformatted, amended and numbered to match the County’s new policy structure,

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 CDL Drug and Alcohol Testing Plan, Documents One and Two.**

Dated this 27th day of September 2004 and effective as of September 27, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Effective Date: 9/27/04	Page: 1 of 8
POLICY	
Cancels: “Drug and Alcohol Testing Plan for Commercial Drivers” Also: POL-0409-HR; PRO-0410-1-HR; PRO-0410-2-HR	Approved by: BOCC See Res. #062941

**POL -0410-HR
Document 1**

CDL DRUG AND ALCOHOL TESTING PLAN

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.

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 twenty-five percent (25%) 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 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 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.

Effective Date: 9/27/04	Page: 1 of 15
POLICY MANUAL	
Cancels: “Drug/Alcohol Testing Procedures Manual” Also: POL-0409-HR; PRO-0410-1-HR; PRO-0410-2-HR	Approved by: BOCC See Res. #062941

**POL -0410-HR
Document 2**

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.

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.

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 (0.002 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.

1. 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 a 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.

2. 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 25% 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 Resources representatives. All requests for reasonable suspicion must be verified by a member of the Human Resources Department who have 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. Five (5) years for records of positive drug and alcohol tests; refusals to take required drug/alcohol tests; calibration documentation; and referrals to the substance abuse professional.
- C. Two (2) years for records relating to the breath and urine collection process.
- D. One (1) year for records of negative drug and alcohol test results.

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.

Employees will not have job security or promotional opportunities jeopardized because of a request for assistance and will be protected by all applicable Federal and/or State laws.

062942 **6.** Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to authorize publishing of a hearing for the proposed establishment of the Whitman County Citizens' Commission on Salaries for Elected Officials.

D062942A **7.** Commissioners' pending list reviewed.

10:30 a.m. – 2004 Budget Amendment Hearing.

Present: Sharron Cunningham, Marlynn Markley, Fran Martin, Robin Cocking, Doug Robinson and Tammy Lewis.

062943 The Chairman convened the hearing for the 3rd amendment to the 2004 budget. A staff report by Sharron Cunningham revealed a total proposed amendment of \$460,559. There being no comments from those in attendance, the Chairman adjourned the hearing. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to approve the amendment as presented.

RESOLUTION NO. 062943
OF
THE BOARD OF WHITMAN COUNTY COMMISSIONERS
FOR WHITMAN COUNTY, STATE OF WASHINGTON

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, met in regular session on Monday, September 27, 2004; and

WHEREAS, any and all taxpayers appearing at the hearing held August 27, 2004, to be heard for or against any part of the budget amendment have been given the opportunity to be heard; and

WHEREAS, the Director of Administrative Services estimates that these amendments are necessary for the operation of the specified funds through the end of the fiscal year 2004.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the authorized appropriations for these funds of Whitman County for fiscal year 2004 be amended by the amounts indicated as attached; and,

BE IT FURTHER RESOLVED that the appropriate entries to the accounting records be made to reflect the aforementioned budget amendment.

PASSED, APPROVED AND ADOPTED this 27th day of September 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

 Les Wigen, Chairman

 Greg Partch, Commissioner

ATTEST:

 Maribeth Becker, CMC
Clerk of the Board

 G.R. Finch, Commissioner

Fund	Account	Description	2004 Budget	2004-1st Amend Bal	2004-2nd Amend Bal	3rd Amend	2004-3rd Amend Bal	Inc/Dec	% of Change
		SUBTOTAL NEW REVENUE	8,785,124	8,785,124	8,785,124	283,516	9,068,640	283,516	3.23%
		CURRENT EXPENSE REVENUE	9,539,906	9,545,171	9,564,971	370,675	9,935,646	370,675	3.88%
		TOTAL COMMISSIONERS	1,440,566	1,440,566	1,440,566	136,041	1,576,607	136,041	9.44%
		TOTAL ADMINISTRATION	87,266	87,938	87,938	(6,000)	81,938	(6,000)	-7.32%
		TOTAL HUMAN RESOURCES	103,626	104,274	104,274		104,274	0	0.00%
		TOTAL SUPERIOR COURT	279,265	279,265	279,265	4,000	283,265	4,000	1.43%
		TOTAL DISTRICT COURT	640,378	640,378	640,378	18,500	658,878	18,500	2.89%
		TOTAL CLERK	145,262	145,262	145,262		145,262	0	0.00%
		TOTAL TREASURER	268,344	268,344	268,344		268,344	0	0.00%
		TOTAL AUDITOR	538,266	538,266	538,266		538,266	0	0.00%
		TOTAL ASSESSOR	307,093	307,093	307,093		307,093	0	0.00%
		TOTAL PROSECUTING ATTORNEY	414,765	414,765	414,765		414,765	0	0.00%
		TOTAL CHILD SUPPORT ENFORCEMENT	76,703	76,703	76,703		76,703	0	0.00%
		TOTAL FACILITIES MANAGEMENT	366,186	366,186	366,186	12,429	378,615	12,429	3.39%
		TOTAL SHERIFF	2,034,681	2,034,681	2,034,681	130,060	2,164,741	130,060	6.39%
		TOTAL JUVENILE SERVICES	505,257	505,947	523,947	6,000	529,947	6,000	1.15%
		TOTAL WEED	69,514	70,156	70,156		70,156	0	0.00%
		TOTAL CORONER	53,854	53,854	53,854		53,854	0	0.00%
		TOTAL COOPERATIVE EXTENSION	116,811	116,811	116,811		116,811	0	0.00%
		TOTAL PUBLIC HEALTH	1,340,329	1,341,224	1,341,224	66,149	1,407,373	66,149	4.93%
		TOTAL PARKS & FAIR/FAIRGROUNDS	458,096	458,968	458,968	3,496	462,464	3,496	0.76%
		TOTAL INFORMATION SERVICES	293,644	294,490	296,290		296,290	0	0.00%
		CURRENT EXPENSE EXPENDITURES	9,539,906	9,545,171	9,564,971	370,675	9,935,646	370,675	3.88%

BOCC Minutes-09/27/04

SELF INSURANCE REVENUE	30,000	50,000	50,000		50,000	0	0.00%
SELF INSURANCE EXPENDITURES	30,000	50,000	50,000		50,000	0	0.00%

BOCC Minutes-09/27/04

Fund	Account	Description	2004 Budget	2004-1st Amend Bal	2004-2nd Amend Bal	3rd Amend	2004-3rd Amend Bal	Inc/Dec	% of Change
BUILDING & DEVELOPMENT REVENUE			88,750	88,750	88,750		88,750	0	0.00%
BUILDING & DEVELOPMENT EXPENDITURES			88,750	88,750	88,750		88,750	0	0.00%
COUNTYWIDE PLANNING REVENUE			187,550	187,550	187,550		187,550	0	0.00%
COUNTYWIDE PLANNING EXPENDITURES			187,550	187,550	187,550		187,550	0	0.00%
DEVELOPMENTAL SERVICES REVENUE			455,250	455,250	455,250		455,250	0	0.00%
DEVELOPMENTAL SERVICES EXPENDITURES			455,250	455,250	455,250		455,250	0	0.00%
VETERANS RELIEF REVENUE			15,500	15,500	15,500		15,500	0	0.00%
VETERANS RELIEF EXPENDITURES			15,500	15,500	15,500		15,500	0	0.00%
COUNTY ROAD REVENUE			10,666,688	11,566,688	11,566,688		11,566,688	0	0.00%
COUNTY ROAD EXPENDITURES			10,666,688	11,566,688	11,566,688		11,566,688	0	0.00%
PUBLIC FACILITIES IMPROVEMENT REVENUE (.08)			425,000	425,000	425,000		425,000	0	0.00%
PUBLIC FACILITIES IMPROVEENT EXPENDITURES (.08)			425,000	425,000	425,000		425,000	0	0.00%
ERGONOMICS REVENUE - OLD FUND NUMBER			0	0	18,317		18,317	0	0.00%
ERGONOMICS EXPENDITURES - OLD NUMBER			0	0	18,317		18,317	0	0.00%
ERGONOMICS REVENUE - NEW FUND NUMBER			10,000	10,000	10,000		10,000	0	0.00%
ERGONOMICS EXPENDITURES-NEW FUND NUMBER			10,000	10,000	10,000		10,000	0	0.00%
COUNTY BULK PURCHASING REVENUE			6,500	6,500	6,500		6,500	0	0.00%
COUNTY BULK PURCHASING EXPENDITURES			6,500	6,500	6,500		6,500	0	0.00%
HOTEL/MOTEL TAX REVENUE			6,000	6,000	6,000		6,000	0	0.00%
HOTEL/MOTEL TAX EXPENDITURES			6,000	6,000	6,000		6,000	0	0.00%
BOATING SAFETY REVENUE			27,625	27,625	27,625		27,625	0	0.00%
BOATING SAFETY EXPENDITURES			27,625	27,625	27,625		27,625	0	0.00%
INMATE WELFARE REVENUE			42,000	42,000	42,000		42,000	0	0.00%
INMATE WELFARE EXPENDITURES			42,000	42,000	42,000		42,000	0	0.00%
EMERGENCY SERVICES REVENUE			81,000	81,000	81,000		81,000	0	0.00%
EMERGENCY SERVICE EXPENDITURES			81,000	81,000	81,000		81,000	0	0.00%
PATHS & TRAILS REVENUE			78,641	78,641	78,641		78,641	0	0.00%
PATHS & TRAILS EXPENDITURES			78,641	78,641	78,641		78,641	0	0.00%
CHIPMAN PATH REVENUE			108,705	108,705	108,705		108,705	0	0.00%
CHIPMAN PATH EXPENDITURES			108,705	108,705	108,705		108,705	0	0.00%
BCPT-SPECIAL DONATIONS REVENUE			10,000	10,000	10,000		10,000	0	0.00%
BCPT-SPECIAL DONATIONS EXPENDITURES			10,000	10,000	10,000		10,000	0	0.00%

BOCC Minutes-09/27/04

Fund	Account	Description	2004	2004-1st	2004-2nd		2004-3rd		% of
			Budget	Amend Bal	Amend Bal	3rd Amend	Amend Bal	Inc/Dec	Change
		DONATIONS & PLANNED GIVING REVENUE	8,725	8,725	8,725		8,725	0	0.00%
		DONATIONS & PLANNED GIVING EXPENDITURES	8,725	8,725	8,725		8,725	0	0.00%
		TREASURERS M&O REVENUE	16,956	16,956	16,956		16,956	0	0.00%
		TREASURERS M&O EXPENDITURES	16,956	16,956	16,956		16,956	0	0.00%
		DRUG ENFORCEMENT REVENUE	285,675	285,675	285,675		285,675	0	0.00%
		DRUG ENFORCEMENT TOTAL EXPENDITURES	285,675	285,675	285,675		285,675	0	0.00%
		CRIME VICTIMS/WITNESSES REVENUE	37,521	37,521	37,521		37,521	0	0.00%
		CRIME VICTIMS/WITNESSES EXPENDITURES	37,521	37,521	37,521		37,521	0	0.00%
		HOUSE BILL 3900 REVENUE	19,481	19,481	19,481		19,481	0	0.00%
		HOUSE BILL 3900 EXPENDITURES	19,481	19,481	19,481		19,481	0	0.00%
		JUVENILE- CASA REVENUE	1,375	1,375	1,375		1,375	0	0.00%
		JUVENILE- CASA EXPENDITURES	1,375	1,375	1,375		1,375	0	0.00%
		INTER-LOCAL DRUG REVENUE	27,000	27,000	27,000		27,000	0	0.00%
		INTRA-LOCAL DRUG EXPENDITURES	27,000	27,000	27,000		27,000	0	0.00%
		AUDITORS DOCUMENT PRESERVATION REVENUE	37,000	37,000	37,000		37,000	0	0.00%
		DOCUMENT PRESERVATION EXPENDITURES	37,000	37,000	37,000		37,000	0	0.00%
		COMMISSIONERS SPECIAL REVENUE	45,000	45,000	45,000		45,000	0	0.00%
		COMMISSIONERS SPECIAL REVENUE EXPENDITURES	45,000	45,000	45,000		45,000	0	0.00%
		JUVENILE JUSTICE REVENUE	62,000	62,000	62,000		62,000	0	0.00%
		JUVENILE JUSTICE EXPENDITURES	62,000	62,000	62,000		62,000	0	0.00%
		COMMISSIONERS RESERVE REVENUE	150,000	250,000	250,000		250,000	0	0.00%
		COMMISSIONERS RESERVE EXPENDITURES	150,000	250,000	250,000		250,000	0	0.00%
		ELECTIONS RESERVE REVENUE	264,000	264,000	264,000	83,423	347,423	83,423	31.60%
		ELECTIONS RESERVE EXPENDITURES	264,000	264,000	264,000	83,423	347,423	83,423	31.60%
		PROSECUTORS STOP GRANT REVENUE	29,596	29,596	29,596		29,596	0	0.00%
		PROSECUTORS STOP GRANT EXPENDITURES	29,596	29,596	29,596		29,596	0	0.00%
		ELECTRIC MONITORING REVENUE	5,000	5,000	5,000		5,000	0	0.00%
		ELECTRIC MONITORING EXPENDITURES	5,000	5,000	5,000		5,000	0	0.00%
		WEB SITE DEVELOPMENT REVENUE	4,900	4,900	4,900	1,461	6,361	1,461	29.82%
		WEB SITE DEVELOPMENT EXPENDITURES	4,900	4,900	4,900	1,461	6,361	1,461	29.82%
		FEDERAL EQUITABLE SHARING REVENUE	35,000	35,000	35,000		35,000	0	0.00%
		FEDERAL EQUITABLE SHARING EXPENDITURES	35,000	35,000	35,000		35,000	0	0.00%

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Fund	Account	Description	2004	2004-1st	2004-2nd		2004-3rd		% of
			Budget	Amend Bal	Amend Bal	3rd Amend	Amend Bal	Inc/Dec	Change
		WASHINGTON HOUSING SHB 2060 REVENUE	36,000	36,000	36,000	5,000	41,000	5,000	13.89%
		WASHINGTON HOUSING SHB 2060 EXPENDITURES	36,000	36,000	36,000	5,000	41,000	5,000	13.89%
		WHITCOM OPERATIONS REVENUE	0	0	1,319,416		1,319,416	0	0.00%
		WHITCOM OPERATIONS EXPENDITURES	0	0	1,319,416		1,319,416	0	0.00%
		WHITCOM WIRE LINE TAX REVENUE	839,658	839,658	839,658		839,658	0	0.00%
		WHITCOM WIRE LINE TAX EXPENDITURES	839,658	839,658	839,658		839,658	0	0.00%
		WHITCOM WIRE LESS TAX REVENUE	111,100	111,100	111,100		111,100	0	0.00%
		WHITCOM WIRE LESS TAX EXPENDITURES	111,100	111,100	111,100		111,100	0	0.00%
		WHITCOM MISCELLANEOUS REVENUE	175,020	175,020	575,020		575,020	0	0.00%
		WHITCOM MISCELLANEOUS EXPENDITURES	175,020	175,020	575,020		575,020	0	0.00%
		WHITCOM CAPITAL PROJECTS REVENUE	0	0	2,704,000		2,704,000	0	0.00%
		WHITCOM CAPITAL PROJECTS EXPENDITURES	0	0	2,704,000		2,704,000	0	0.00%
		LIMITED TAX GO BOND 2002 REVENUE	164,468	164,468	164,468		164,468	0	0.00%
		LIMITED TAX GO BOND 2002 EXPENDITURES	164,468	164,468	164,468		164,468	0	0.00%
		MARTIN HALL DEBT REVENUE	46,189	46,189	46,189		46,189	0	0.00%
		MARTIN HALL DEBT EXPENDITURES	46,189	46,189	46,189		46,189	0	0.00%
		HARRISON BUILDING DEBT-REVENUE	21,315	21,315	21,315		21,315	0	0.00%
		HARRISON BUILDING DEBT EXPENDITURES	21,315	21,315	21,315		21,315	0	0.00%
		CAPITAL PROJECTS GENERAL REVENUE	50,175	150,175	150,175		150,175	0	0.00%
		CAPITAL PROJECTS GENERAL EXPENDITURES	50,175	150,175	150,175		150,175	0	0.00%
		CP-ASSET ACQUISITION REVENUE	30,401	130,401	130,401		130,401	0	0.00%
		CP-ASSET ACQUISITION EXPENDITURES	30,401	130,401	130,401		130,401	0	0.00%
		C P-EWAN WATER REVENUE	1,500	1,500	0		0	0	#DIV/0!
		C P-EWAN WATER EXPENDITURES	1,500	1,500	0		0	0	#DIV/0!
		CP-AIRPORT REVENUE	0	0	5,452		5,452	0	0.00%
		CP-AIRPORT EXPENDITURES	0	0	5,452		5,452	0	0.00%
		CP-MUSEUM CONSTRUCTION REVENUE	19,725	19,725	19,725		19,725	0	0.00%
		CP-MUSEUM CONSTRUCTION EXPENDITURES	19,725	19,725	19,725		19,725	0	0.00%
		CP-GO BOND 2002 REVENUE	176,350	176,350	176,350		176,350	0	0.00%
		CP-GO BOND 2002 EXPENDITURES	176,350	176,350	176,350		176,350	0	0.00%
		SOLID WASTE REVENUE	2,174,674	2,174,674	2,174,674		2,174,674	0	0.00%
		SOLID WASTE EXPENDITURES	2,174,674	2,174,674	2,174,674		2,174,674	0	0.00%

BOCC Minutes-09/27/04

Fund	Account	Description	2004	2004-1st	2004-2nd		2004-3rd		% of
			Budget	Amend Bal	Amend Bal	3rd Amend	Amend Bal	Inc/Dec	Change
		SOLID WASTE RESERVE REVENUE	95,100	95,100	95,100		95,100	0	0.00%
		SOLID WASTE RESERVE EXPENDITURES	95,100	95,100	95,100		95,100	0	0.00%
		EQUIPMENT RENTAL & REVOLVING REVENUE	3,490,716	3,490,716	3,490,716		3,490,716	0	0.00%
		EQUIPMENT RENTAL & REVOLVING EXPENDITURES	3,490,716	3,490,716	3,490,716		3,490,716	0	0.00%
		PHOTOCOPIER REVOLFING FUND REVENUE	75,000	75,000	75,000		75,000	0	0.00%
		PHOTOCOPIER REVOLFING FUND EXPENDITURES	75,000	75,000	75,000		75,000	0	0.00%
		UNEMPLOYMENT INSURANCE REVOLVING REVENUE	35,000	35,000	35,000		35,000	0	0.00%
		UNEMPLOYMENT INSURANCE REVOLVING EXPENDITURES	35,000	35,000	35,000		35,000	0	0.00%
		INDUSTRIAL INSURANCE REVOLVING FUND REVENUE	140,000	210,000	210,000		210,000	0	0.00%
		INDUSTRIAL INSURANCE REVOLVING EXPENDITURES	140,000	210,000	210,000		210,000	0	0.00%
		COMMUNICATIONS REVOLVING REVENUE	120,800	120,800	120,800		120,800	0	0.00%
		COMMUNICATIONS REVOLVING FUND EXPENDITURES	120,800	120,800	120,800		120,800	0	0.00%
		ERNIE DIPPEL MEMORIAL FUND REVENUE	3,690	3,690	3,690		3,690	0	0.00%
		ERNIE DIPPEL MEMORIAL FUND EXPENDITURES	3,690	3,690	3,690	0	3,690	0	0.00%
		ZAIDEE PARVIN MEMORIAL FUND REVENUE	10,491	10,491	10,491	0	10,491	0	0.00%
		ZAIDEE PARVIN MEMORIAL FUND EXPENDITURES	10,491	10,491	10,491	0	10,491	0	0.00%
		PALOUSE EMPIRE FAIR BUILDING REVENUE	1,642	1,642	1,642	0	1,642	0	0.00%
		PALOUSE EMPIRE FAIR BUILDING EXPENDITURES	1,642	1,642	1,642	0	1,642	0	0.00%
		COMMUNITY ACTION AGENCY SERVICES REVENUE	115,000	115,000	115,000	0	115,000	0	0.00%
		COMMUNITY ACTION AGENCY SERVICES EXPENDITURES	115,000	115,000	115,000	0	115,000	0	0.00%
		COMMUNITY ACTION AGENCY PLANNING REVENUE	0	0	0	0	0	0	#DIV/0!
		COMMUNITY ACTION AGENCY PLANNING EXPENDITURES	0	0	0	0	0	0	#DIV/0!
		COMMUNITY ACTION AGENCY HOUSING REVENUE	0	0	0	0	0	0	#DIV/0!
		COMMUNITY ACTION AGENCY HOUSING EXPENDITURES	0	0	0	0	0	0	#DIV/0!
		COMMUNITY ACTION AGENCY-LEAD REVENUE	0	0	0	0	0	0	#DIV/0!
		COMMUNITY ACTION AGENCY-LEAD EXPENDITURES	0	0	0	0	0	0	#DIV/0!
		TOTAL EXPENDITURES OTHER FUNDS	21,202,452	22,492,452	26,938,137	89,884	27,028,021	89,884	0.33%
		TOTAL EXPENDITURES CURRENT	9,539,906	9,545,171	9,564,971	370,675	9,935,646	370,675	3.88%
		TOTAL WHITMAN COUNTY EXPENDITURES	30,742,358	32,037,623	36,503,108	460,559	36,963,667	460,559	1.26%
		TOTAL REVENUE OTHER FUNDS	21,202,452	22,492,452	26,938,137	89,884	27,028,021	89,884	0.33%
		TOTAL REVENUE CURRENT EXPENSE	9,539,906	9,545,171	9,564,971	370,675	9,935,646	370,675	3.88%
		TOTAL WHITMAN COUNTY REVENUE	30,742,358	32,037,623	36,503,108	460,559	36,963,667	460,559	1.26%

11:00 a.m. – Recess.

11:30 a.m. – Mike Werner, Developmental Services Director.

D062943A 1. The Director mentioned the continued good working relationship with WSU YMCA for the “Y Kids First after school program, Special Olympics and an exercise program.

062944 2. Mr. Werner indicated he plans to attend the housing meeting tomorrow put on by Common Ground.

D062944A 3. This past Saturday the Director attended a Senior Parent Project meeting. The purpose of the meeting was to offer parents with adult developmentally disabled children information about guardianship, legal issues, trust accounts, and how individuals with developmental disabilities age much earlier than individuals without disabilities. The next meeting will be March 5, 2005 at 9 a.m. at Cougar Depot to discuss guardianship, legal issues, residential issues and how people enter systems and programs.

062945 4. Developmental Services received additional funding for transitioning graduates from high school. Whitman County’s challenge was that there were 8 children graduating over the past 2 years. The legislature funded one in eight graduates across the state. For Whitman County, this amounted to \$5,980. The problem falls back on the graduates to find a place to receive services. Whitman County was able to find services for all its graduates, thanks to the local providers, the philosophy of the Advisory Board and direction from the county commissioners. However, this may not continue in the future. This is a critical legislative issue.

062946 As a result of the \$5,980, Mr. Werner requested the Board’s approval on the 2003-2005 county spend plan increasing it from \$751,730 to \$757,710. The money was budgeted into a program category that specifically serves one high school graduate during the July 30, 2004-June 30, 2005 contract period. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the additional spending. Mr. Werner also pointed out a 5% administrative fee (\$300) was calculated into the spending plan. The Board instructed Mr. Werner to visit with the Administrative Services Director about a possible budget amendment later in the year.

062947 5. An executed copy of DSHS contract #0363-40103(01) was received from the Director for the Real Choices grant.

062948 6. A copy of the 2003 Developmental Services state audit memo was received. The memo stated overall, the county complied with the provisions of the contracts that the state deemed most significant to their audit.

D062948A 7. In regards to the Hughes House roof, Mr. Werner contacted all 5 roofing contractors on the small works roster. Some declined and others did not respond. The next step was to contact contractors in the area. He made 10 calls to different contractors; 3 responded with interest, 2 responded with estimates. If we were doing just a lay over the cost would be about \$6,000. Due to code changes this year, the contractor cannot go over a second layer requiring the roof to be removed and replaced. With this requirements the estimates came in at \$11,800 and \$12,800 without sales tax and both contractors are available this year. The challenge is the contractor must pay prevailing wage bringing the low estimate to \$14,500. The only exception to this requirement is using a sole proprietor, but neither bidder falls under this category. The options are to wait until next year to replace the roof or proceed this year.

This project was awarded \$6,500 through the 2004 CIP program. Developmental Services does set aside \$100/month from each renter for repair and maintenance of the Hughes and Epton houses. Mr. Werner said he could dedicate \$3,500 from this area if the Board paid the difference of approximately \$4,500.

Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the difference of approximately \$4,500 for replacement of the Hughes House roof from the CIP fund. (This is in addition to the \$6,500 previously approved through the CIP program.) Mr. Werner will return next week to finalize the contract documents.

12:05 p.m. – Recess.

2:00 p.m. – Board Business Continued/BOCC Workshop.

Chairman Wigen excused himself from the remainder of today’s meeting.

Present: Denis Tracy and Kelli Campbell.

D062948B 8. A reclassification in the Prosecutor’s office was discussed. No action taken.

2:30 p.m. – Recess.

D062948C THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **September 29, 2004 at 3:00 p.m.** Les Wigen, Chairman, G.R. “Jerry” Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

3:00 p.m. – Board Business Continued/BOCC Workshop.

Present: Kelli Campbell and Wolf & Associates representatives.

D062948D 9. The issue of long-term care insurance was discussed. No action taken.

5:00 p.m. – Adjournment.

D0629948E Commissioner Partch **moved** to adjourn the **September 27 and 29, 2004** meeting. Motion **seconded** by Commissioner Finch and **carried**. The Board will meet in regular session, in their Chambers’, in the Whitman County Courthouse, Colfax, Washington, on **October 4, 2004**. The foregoing action made this **29th** day of **September 2004**.

ss/ G.R. FINCH, Commissioner
ss/ GREG PARTCH, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

LES WIGEN, CHAIRMAN
Board of County Commissioners