

BOCC MINUTES-12/07/09

070116 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, December 7, 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.

Present: Kelli Campbell and Joe Smillie.

070117 1. Items discussed included the employee reclassification freeze, Planning Commission direction and 2010 non-represented employee decisions. No action taken.

9:50 a.m. - Recess.

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

Present: Chris Nelson, Kelli Campbell and Joe Smillie.

D070117A 2. Motion by Commissioner Partch to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

070118 3. Claims/Payroll warrants numbered **234667-234680, 234683-234711, 234737-234762** and **234780-234909** for **\$1,588,573.50** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	404,077.42	53,564.18	46,912.43
101	Self Insurance			1,000.00
102	Building & Development		1,659.60	117.93
103	Countywide Planning		3,120.20	190.03
104	Developmental Services			458.15
110	County Roads	5.33	15,892.40	3,305.14
114	Bulk Purchasing-Paper			2,906.72
118	Inmate Welfare			440.49
127	Drug Enforcement-Quad City		400.00	13,947.60
128	Crime Victims/Witness-Pros. 000		350.00	
135	Prosecutor's Stop Grant		150.00	1,190.22
144	Emerg. Communicat. 144.260.001	188.46	250.00	5,556.90
300	CIP Asset Acquisit. 300.010.001			21.56
300	CIP Computer 300.010.003			9,671.81
400	Solid Waste		800.00	149,141.70
501	Equipment Rental & Revolving	6,620.82	5,047.40	5,687.55
510	Photocopier Revolving			1,537.97
513	Communications Revolving	506.21		657.38
660	Whitcom-General 660.911.000	64,367.52		
660	Whitcom-Grant 660.911.001	3,095.88		281.75
690	Clearing Fund 690.002.000			

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690	Clearing Fund	690.005.000		165,454.29
690	CAC Agency Svc.	690.026.001		15,017.27
ET	Electronic Transfer		455,221.90	

070119 4. November 30, 2009 minutes approved.

070120-070122 5. Personnel board orders approved.

070123 6. Chris Nelson presented the annual renewal for the HP 3000 mainframe system. The contract would expire 10/2010. Ms. Nelson recommended approval of the same. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the annual maintenance agreement as presented.

070124 7. Kelli Campbell presented the updated Drug & Alcohol policy involving notification to the Highway Administration. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to adopt the revised CDL Drug & Alcohol policy.

**RESOLUTION NO. 070124
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

IN THE MATTER OF the action of the adoption for the Whitman County Policies CDL Drug and Alcohol Testing Plan; CDL Drug & Alcohol Testing Manual; and Procedures Conducting Random Drug and Alcohol Testing; Reporting Criminal Convictions;

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 CDL Drug and Alcohol Testing Plan; Document #2 CDL Drug and Alcohol Testing Manual; PRO-0410-1 Conducting Random Drug and Alcohol Testing; and PRO-0410-2 Reporting Criminal Convictions.

Dated this 7TH day of December 2009 and effective as of December 7, 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: 12/07/09

POLICY

Cancels: #069526

See Also: POL-0409-HR;
PRO-0410-1-HR; PRO-0410-2-HR

Approved by BOCC
Res. #070124

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

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.

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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.

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.

WHITMAN COUNTY
COMMERCIAL DRIVER’S
DRUG & ALCOHOL TESTING MANUAL
Updated December 7, 2009

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Effective Date: 12/7/09

POLICY MANUAL

Cancels: # 069527

See Also: POL-0409-HR;

PRO-0410-1-HR; PRO-0410-2-HR

Approved by BOCC

Res. 070124

POL -0410-HR

DRUG AND ALCOHOL TESTING MANUAL

Document 2

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.

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.

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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.
- 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

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.

Effective Date: 12/07/09	PROCEDURE	
Cancels: 0629528		Approved by: BOCC
See Also: POL-0410-HR		Res. #070124

PRO -0410-1- HR CONDUCTING RANDOM DRUG/ALCOHOL TESTING

Action By:

Human Resources

Action:

1. **Receives** randomly selected employees for drug and/or alcohol testing.
2. **Consults** with Public Works on testing location for each selected employee.

Public Works

Employee
Human Resources
Employee

Medical Facility
Laboratory

ChoicePoint
Human Resources

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.
6. **Notifies** the appropriate employee just before his/her appointment to report for testing.
7. **Immediately** reports to Human Resources.
8. **Provides** the employee with testing paperwork.
9. **Immediately** reports to the appropriate medical facility.
10. **Participates** in the appropriate tests.
11. **Returns** to work.
12. **Sends** the specimen to a laboratory for analysis.
13. **Tests** the specimen.
14. **Sends** the results to ChoicePoint.
15. **Notifies** Human Resources of the results.
16. If the result is negative, **files** the notice.
17. If the result if 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: 12/7/09

PROCEDURE

Cancels: 062958

See Also: POL-0410-HR

Approved by: BOCC

Res. #070124

PRO -0410-2- HR

REPORTING CRIMINAL CONVICTIONS

Action By:

Action:

Employee

Human Resources

Department Head/Elected Official

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.

BOCC MINUTES-12/07/09

070125 8. Ms. Campbell presented a memorandum of agreement with the Whitman County Deputy Sheriff's Association due to a medical insurance change. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to accept the Deputy Sheriff's Association memorandum of agreement (on-going).

070126 9. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign the Department of General Administration Surplus Property agreement (on-going).

070127 10. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign contract amendment #IAA10189 with the Administrative Office of the Courts for Juvenile Services for BECCA services (06/30/11).

070128 11. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to appoint Ken Jacobs to a 4-year term on the Planning Commission. Mr. Jacobs' term will expire 12/31/13. Commissioner Partch noted Mr. Jacobs comes to the Commission with a wealth of experience.

070129 12. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to acknowledge the City of Colfax 2010 levy certification.

070130 13. A letter was received from Ken Miller of Colfax regarding the proposed storage of liquid chlorine in the Belmont area. Commissioner Partch responded to Mr. Miller by phone.

070131 14. An executed copy of the US Department of Justice detention service agreement #85-09-0055 was received.

070132 15. Commissioners' pending list reviewed.

10:25 a.m. - Recess.

10:30 a.m. - Janet Schmidt, WSU Extension.

Present: Joe Smillie.

070133 Ms. Schmidt presented the annual WSU memorandum of understanding for Extension Agent wages. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the 2010 WSU memorandum of agreement between Whitman County WSU as presented.

10:35 a.m. - Board Business Continued.

BOCC MINUTES-12/07/09

D070133A Commissioner Partch recognized today as the 68th anniversary of Pearl Harbor and remembered our fellow Americans overseas.

10:40 a.m. - Recess.

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

Present: Phil Meyer, Alan Thomson and Joe Smillie.

ACTION ITEMS

Engineering Division:

070134 1. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the resolution of intent to vacate and directive to County Engineer for report for Pazen Road and a portion of Almota Road be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of the Intent to)	
Vacate and Abandon the Pazen	)	RESOLUTION NO. 070134
Road, No. 8015 and a portion of)	
the Almota Road, No. 8000 lying)	
outside of the new right of way	)	INTENT TO VACATE AND DIRECTIVE
of said Almota Road, in Sections)	
22, 27 and 28, Township 16 North,)	
Range 43 East, W.M. in Whitman	)	TO COUNTY ENGINEER FOR REPORT
County, Washington)	

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, all of the Pazen Road, No. 8015 and a portion of the Almota Road lying outside of the new right of way of County Road No. 8000, the Almota Road, in Sections 22, 27, and 28, Township 16 North, Range 43 East, W.M., in Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said Pazen Road and portions of the Almota Road.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that all of the Pazen Road, No. 8015 and a portion of the Almota Road lying outside of the new right of way of County Road No. 8000, the Almota Road, in Sections 22, 27, and 28, Township 16 North, Range 43 East, W.M., in Whitman County, Washington, more particularly described as follows: All of the Pazen Road and that portion

BOCC MINUTES-12/07/09

of the Almota Road being replaced by a new alignment for C.R.P. 8000-6 Almota Road Project, recorded in the Whitman County Engineers office, and lying outside the new County road right of way, as shown on said road construction plans, is preliminarily found to be of no use to Whitman County and that the vacation of said road may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating said portions of the Almota Road and the Pazen Road.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 7th day of December, 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.

070135 2. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that the resolution of intent to vacate and directive to County Engineer for report for Campbell Road, the Bruce Change and the Bruce Bridge be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of the Intent to)	
Vacate and Abandon all of the	)	RESOLUTION NO. <u>070135</u>
Campbell Road, the Bruce Change)	
in the Campbell Road, and the)	
Bruce Bridge No. 1020-01.70	)	INTENT TO VACATE AND DIRECTIVE
all in the NE ¼ and SE ¼ of)	
Section 30, Township 20 North,)	
Range 46 East, W.M. in Whitman	)	TO COUNTY ENGINEER FOR REPORT
County Washington)	

BOCC MINUTES-12/07/09

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, the Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge No. 1020-01.70 located in the NE ¼ and SE ¼ of Section 30, Township 20 North, Range 46 East, W.M., in Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge No. 1020-01.70 located in the NE ¼ and the SE ¼ of Section 30, Township 20 North, Range 46 East, W.M., in Whitman County, more particularly described as follows: All that portion of the Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge No. 1020-01.70 lying east of the west line of the NE ¼ and the SE ¼ of said Section 30 and lying south and west of the southerly and westerly right of way of the Golf Course Road, County Road No. 1020 and lying outside the existing County road right of way of said Golf Course Road, is preliminarily found to be of no use to Whitman County and that the vacation of said road and bridge may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating said Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge No. 1020-01.70

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 7th day of December, 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.

070136 3. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the resolution of intent to vacate and directive to County Engineer for report for Klemgard Road be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of the Intent to	)	RESOLUTION NO. <u>070136</u>
Vacate and Abandon all of the)	
Klemgard Road, County Road)	
No. 9480 in Section 36, Town-	)	INTENT TO VACATE AND DIRECTIVE
Ship 14 North, Range 43 East,)	
W.M., in Whitman County,)	
Washington	)	TO COUNTY ENGINEER FOR REPORT

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, the Klemgard Road, County Road No. 9480 located in Section 36, Township 14 North, Range 43 East, W.M., in Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said Klemgard Road, County Road No. 9480.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the Klemgard Road, County Road No. 9480 located in Section 36, Township 14 North, Range 43 East, W.M., in Whitman County, Washington, more particularly described as follows: All that portion of the Klemgard Road, County Road No. 9480 lying south of the north section line of said Section 36 and lying within said Section 36, is preliminarily found to be of no use to Whitman County and that the vacation of said road may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating said Klemgard Road.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 7th day of December, 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.

070137 4. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the resolution of intent to vacate and directive to County Engineer for report for Hatley Road and Henson Bridge be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of the Intent to)	
Vacate and Abandon All of the	)	RESOLUTION NO. <u>070137</u>
Hatley Road, County Road No.)	
9550 and the Henson Bridge No.)	
9550-00.05 in the SE ¼ of	)	INTENT TO VACATE AND DIRECTIVE
Section 21 and the NE ¼ of)	
Section 28, Township 14 North,)	
Range 44 East, W.M., in Whitman	)	TO COUNTY ENGINEER FOR REPORT
County, Washington)	

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, the Hatley Road, County Road No. 9550 and the Henson Bridge No. 9550-00.05 located in the SE ¼ of Section 21 and the NE ¼ of Section 28, Township 14 North, Range 44 East, W.M., in Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said Hatley Road, County Road No. 9550 and the Henson Bridge No. 9550-00.05.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the Hatley Road, County Road No. 9550 and the Henson Bridge No. 9550-00.05 located in the SE ¼ of Section 21 and the NE ¼ of Section 28, Township 14 North, Range 44 East, W.M., in Whitman County, Washington, more particularly described as follows: Commencing at the intersection of the Hatley Road, County Road No. 9550 and the Wawawai-Pullman Road, County Road No. 9010 thence in a westerly and southerly direction approximately 0.14 miles and being all that portion of the Hatley Road, County Road No. 9550 and the Henson Bridge No. 9550-00.05

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lying west of the Wawawai-Pullman Road, County Road No. 9010 and lying outside the westerly Right of Way of said Wawawai-Pullman Road, is preliminarily found to be of no use to Whitman County and that the vacation of said road and bridge may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating the Hatley Road, County Road No. 9550 and the Henson Bridge No. 9550-00.05.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 7th day of December, 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.

070137A 5. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to authorize the publishing of notices of intent to vacate Pazen Road and portions of Almota Road, Campbell Road, the Bruce Change in the Campbell Road and the Bruce Bridge, Klemgard Road and Hatley Road with Henson Bridge.

Solid Waste Division:

070137B 6. Notice of the 2009 roadside vegetation control contract being extended through 2010 at the current contract price was received.

11:15 a.m. - Kim Donahue.

Planning Division:

070137C 7. Due to the recent resignation of the Assistant Planner, Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to authorize the advertising to refill the Assistant Planner position.

D070137D 8. A joint workshop with the Planning/County Commissioners was confirmed for January 6th.

Maintenance Division:

D070137E 9. Mr. Storey shared a thank you note from Harold Schultheis for the great job of snowplowing performed by the maintenance crews.

11:30 a.m. - 2010 CDBG-PS (Community Development Block Grant Public Service) Hearing.

Present: Kim Donahue, Community Action Center (CAC) and Joe Smillie.

D070137A Chairman Largent convened the hearing for the 2010 CDBG-PS hearing.

Ms. Donahue stated the proposed 2010 CDBG funds would be used as filler for agency programs including the food bank, housing assistance, emergency and crisis assistance, case management, protective payee services, staff time and other agency expenses not otherwise covered. The proposed grant application is for the same amount of funding awarded in 2009.

070138 A handout of the July 1, 2008-June 30, 2009 annual report of all services provided by CAC included CDBG-PS funded programs was distributed and reviewed by Ms. Donahue.

The 2009 CDBG public service funds were used for the same programs with the addition of continued funding for the legal services coordinator position that was in jeopardy. Since other funding will be available for this position in 2010, the CDBG-PS funds will be used for emergency crisis assistance.

There being no comment or questions from those in attendance, the Chairman adjourned the hearing.

070138A Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** moved to approve the 2010 CDBG-PS grant application and associated resolutions (070138B and 070138C) and subrecipient agreement (070138D).

**RESOLUTION NO. 070138-B
WITH CERTIFICATIONS OF COMPLIANCE
For CDBG Public Services Grant Only**

WHEREAS, Whitman County is applying to the state Department of Community, Trade and Economic Development for funding assistance;

WHEREAS, it is necessary that certain conditions be met as part of the application requirements;

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WHEREAS, Michael Largent, Chairman is authorized to submit this application to the State of Washington on behalf of Whitman County.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Whitman County Commissioners authorize submission of this application to the State Department of Commerce to request \$125,968 to fund public service activities in coordination with Community Action Center, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws; and,

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); and,

Has complied with all public hearing requirements and provided citizens, especially low-and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities; and,

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals; and,

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance; and,

Will not use assessments against properties owned and occupied by low-and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low-and moderate-income owner-occupants; and,

Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and,

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and,

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction

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against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended; and,

Certifies to meeting the National Environmental Policy Act (NEPA) through a determination the CDBG-funded public services will not have a physical impact or result in any physical changes and are exempt under 24 CFR 58(a), and are not applicable to the other requirements under 24 CFR 58.6; and are categorically exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-305 (2); and

Whitman County designates Michael Largent, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whitman County's participation in the Washington State CDBG Program.

Dated this 7th day of December 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.

**RESOLUTION NO. 070138-C
GRIEVANCE PROCEDURE FOR PROJECTS FUNDED
WITH COMMUNITY DEVELOPMENT GRANT FUNDS**

WHEREAS, Whitman County periodically applies for Community Development Block Grant (CDBG) funding for specific projects; and,

WHEREAS, a grievance procedure is required as a condition of receiving CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the following grievance procedure is hereby established for all projects funded by Whitman County with CDBG funds:

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1. Any resident of the unincorporated areas of Whitman County may submit complaints in writing to: Clerk of the Board, Whitman County Commissioners' Office, 400 N. Main Street, Colfax, WA 99111 stating the nature of the complaint. A record of the complaint and action taken will be maintained. A decision by the designated official will be rendered within 15 days.

2. If the complaint cannot be resolved to the complainant's satisfaction by the Clerk of the Board:

The complaint will be heard and discussed by the county commissioners, at an open, public meeting. A written decision will be made within 30 works days. The decision of the county commissioners is final.

3. A record of action taken on each complaint will be maintained as part of the records or minutes at each level of the grievance process.

Done at Colfax, Washington this 7th day of December 2009 and effective upon signatures as of this date.

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.

11:45 a.m. - Recess.

1:00 p.m. - Board Business Continued/BOCC Workshop.

Present: Denis Tracy and Kelli Campbell.

070139 16. The Prosecutor's staffing level discussed. No action taken.

1:30 p.m. - Recess.

2:00 p.m. - Board Business Continued/Executive Session.

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Present: Gary and Valerie Hunt, Kelli Campbell (2:00 p.m.) and Denis Tracy (3:00 p.m.).

070140 17. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:00 p.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

3:00 p.m. - Return to Open Session/Recess.

6:00 p.m. - 2010 Whitman County Preliminary Budget.

Present: Sharron Cunningham, Rick and Carolyn Kiesz, Brett Myers, Tim Myers, Denis Tracy, Chris Chapman, Jeff Mannix, Joe Smillie and Sarah Mason.

070141 Chairman Largent convened the hearing for the 2010 Whitman County Preliminary Budget. What they don't have at this time is a budget with all the same numbers proposed by the commissioners. That is part of the process.

Sharron Cunningham provided the following report:

The 2010 preliminary budget shows a \$267,994 deficit in Current Expense prior to performing the depreciation calculations that has now been booked at \$486,600 totaling a \$754,594 deficit. Whitman County began booking Current Expense depreciation in 2008 and must continue to report it in 2009 and 2010. Depreciation is split out to show a comparison between years.

Current Expense expenditures compared to the 2009 budget amendment #3 increased to \$451,270 or 3.85%.

Revenue for the 2009 budget amendment #3 was at \$11,619,267. That has decreased by \$196,649 for 2010 or 1.69%.

All other funds outside of Current Expense total \$457,645 for an increase of \$3,594,292 or 9.72%.

The overall increase for all funds is \$4,000,000 or 8.30%.

The 2010 preliminary budget requests total \$52,760,951.

The 2010 budget includes a \$70,130 reduction by the commissioners to date.

070142 Chairman Largent explained the colored coded spreadsheet (handout) developed to tie together the various ideas by the county

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commissioners to see where they agreed and where they are apart by department.

The Chairman asked for preliminary comments from the other members.

Commissioner Partch indicated this has been a very difficult budgeting cycle, more so than 2005 mostly due to the economy as well as the state. Projected revenues/expenditures continually change. This is the first year since he has been in office that cash reserves had to be used to balance the current budget. The Current Expense deficit is now \$338,000 down from over \$600,000 and largely due to the departments due diligence. He appreciated the departments helping to reduce this deficit. The spreadsheet created by Chairman Largent has been extremely helpful.

Chairman Largent also noted how difficult this budget cycle has been for him. He had to determine how to approach this strategically. He first took into consideration how much of our current troubles are not based on out of control county spending. The county has macro-economic factors coming into play that are affecting all governments. The state is currently at an additional \$2.5 billion deficit and has its impacts on us locally now and in the future based on how the state balances its budget. Much of the county's budget is state pass-thru dollars and much of what happens to Whitman County is outside of our control. The over-arching consideration when approaching a budget is what is in the public's best interest. The first thing that needs to be done is to present a budget plan that is responsible spending within our means over time. Whatever budget plan presented he felt should fit within the framework of the public first and one that we can afford and is sustainable over time. The county doesn't have perfect information to make some of these budget decisions. Obviously we are dealing with the future and have some unknowns. When he looked at the budget he wanted to preserve our capacity to react to negative information. Thanks to prior county commissioners who presented responsible budgets over time gave us some capacity to deal with bad news. Chairman Largent felt this is unusual times. We have some information limitations due to an antiquated accounting system but we are well on our way of changing over to a newer accounting system that should provide us with better managerial information.

The Chairman thought there is some longer term interests in the county that needs to be protected; the capacity to bond in the future needs to be protected because the difference between an A rated and B rated county can be significant over time. Outside interests are going to look at us. How have we budgeted? Have we spent within our means? Are we consistent with our reserve policies? Protection of our bond rating is very important as we look ahead. Therefore, he hasn't taken the approach of across the board cuts because he believed there are some unique initiatives in place right now that need to be protected and one of those is the New World accounting system conversion. There will be an additional load on the

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Finance and Information Technology departments during this transition and the need to protect these staff members. Protect capacity to respond to normal budgetary pressures. He preferred not to spend so much cash that the county can't react to bad news. As far as the use of cash is concerned, he thought there are proper and improper uses of cash. One proper use of cash would be to approach unique budget challenges transitionally. He thought an improper use of cash is delaying budget decisions that need to be made today or one-time cash use to meet on-going expenses.

It helped him to think about the budget process in two phases:

Phase I - Reach a balanced budget over time

Phase II - Learning to live within our means

Believing the challenge in 2010 will be to work cooperatively finding different ways to allocate our resources and meet the resources we have.

Commissioner Partch voiced his appreciation to Sharron Cunningham for her hard work and understood the county family frustrations. He reminded everyone this is just the first portion of the budget hearing and things change daily.

Chairman Largent also thanked all those that have personally spoken with him about this issue which has been very helpful. He noted the Board fully realizes when going through tough times like these there could be reductions in local services.

Commissioner O'Neill said this process began in August and the difference between the numbers presented then and now are like night and day. The budget process is such a moving target changing daily, but he hoped to see some light at the end of the tunnel in 2010. He too expressed his appreciation to Ms. Cunningham.

The Board reviewed the color-coded spreadsheet. Chairman Largent pointed out all the commissioners' figures reflect freezing all step increases in 2010 subject to negotiations for represented employees.

The commissioners individually explained how they came up with their bottom line figures for each department most of which were step freezes or vacant/anticipated vacancies.

Department heads and elected officials in attendance were given an opportunity to comment on the commissioners' proposal.

Upon inquiry, Tim Myers explained the Parks Department's actual operating budget totals \$211,000. The additional amount is derived from grant funds, some of which will come to an end in a year or so.

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Denis Tracy addressed the Prosecutor and Sheriff's budgets. He recognized the county and our nation is in a severe financial recession. As a result, the county overall has less money to pay for needed services and he didn't expect the county's financial picture to improve in the next two years. At the same time, the county has struggled to pay its employees enough to recruit and retain our employees. He believed the size of county government must shrink to fit the available resources. The county has saved funds over the years to cushion this process of reduction in government. This situation has not come upon of us suddenly. We have all watched it develop over the past year. When a secretarial position within his office was vacated 2 months ago, he chose not to replace that position but instead temporarily rearranged staff duties. In recognition of county budget problems and as part of overall plan he hoped the commissioners would pursue, he decided to proceed without reception position in the Prosecutor's office for all of 2010. This decision saves over \$36,000 for 2010. He has not made this decision lightly. It will impact his staff and the services to the public his office provides. In addition, he will be restructuring some internal procedures and will be closing his office for 2 hours each day and the phones will be put on voicemail during that time. Only police and crime victims will be provided direct numbers to bypass the voicemail process in emergency situations. As the year progresses, additional cuts to public services may be needed in his office. However, he was convinced that this cut as part of a larger strategy to trim county government is necessary. He reluctantly supports the amount designated by the commissioners for the Prosecutor's office.

For the Sheriff's office, he clearly supports Commissioners Largent and O'Neill's proposed budget for the Sheriff's office but is opposed to Commissioner Partch' proposal for the Sheriff's office. It is important to note that the Sheriff's original proposed budget notes only the very preliminary numbers for the Sheriff as of August. Since then, the finalized proposal figure is much higher than originally thought. He knows the Sheriff shares his and the Boards concerns over the state of the county's finances. Over the last month the Sheriff has trimmed his budget over \$54,000. As an example, there will literally fewer bullets for the Sheriff's office to train. The Sheriff recognizes the county's severe budget problem and has cut his budget accordingly.

Speaking now as a primary consumer of the Sheriff's work, he is absolutely certain that his budget should not be cut any further. If that happens, it will lessen public safety in this county and it will make the Prosecutor's job more difficult. Further cuts to the Sheriff's personnel will result in additional overtime for calling out off-duty deputies during no coverage hours making any overall reduction that much less. If the county was broke and the commissioners had engaged in a weighing of priorities of government, a cut of \$68,000 to public safety might be justifiable, but the county is not broke. He did not believe it is a good decision to cut funds spent on public safety when the county has an ample

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amount of cash on hand not counting restricted reserves. The citizens have paid their taxes for services of government and the number one priority must be public safety. He urged the commissioners to adopt the budget proposed by Commissioners Largent and O'Neill.

Brett Myers concurred with the Prosecutor's sentiments and appreciated the work by all elected officials and department heads and suggests that the county's financial position is because of the past years department head conservative approach to their jobs.

As a sheriff, he feels public safety is a priority of county government nationwide. His proposed budget of \$2,947,731 is \$5,000-\$6,000 less than his initial 2009 budget. In 2009 approximately \$100,000 was cut. If the proposed budget for the Sheriff is adopted, he would be beginning 2010 with about \$100,000 less than he began 2009. Since then, the Sheriff's office has taken on additional obligations and revenue (housing federal prisoners and monitoring state sex offenders). This additional revenue helps to offset increases in staff wages, benefits and insurance. He reiterated if this budget is adopted, his department will begin 2010 with \$5,000-\$6,000 less than his initial 2009 budget of which he had some real concerns. He is blessed with a professional staff and their families suffer a lot because of that. He was concerned that additional cuts for the Sheriff's office from this point on will result in not only less services to the public but more importantly, the safety of his deputies and correctional officers. A few thousand dollars is not worth someone's safety. Time and time again we hear about officers being injured because they don't have adequate assistance on the road. Whitman County is absolutely in that position. There are nights when only one or two deputies are on duty and they have to call out people for assistance. That is not the way he wants to run his department but it is the way he has to run his department. He can only run his department with the funds provided. He felt anything less than proposed will place officers and the public at risk. He urged the commissioners to strongly consider the impacts and priorities of the county. He appreciated the fact other departments do important services. However, the Sheriff's office is comprised of both a patrol division and correctional division and operates roughly 24/7 or 4 full time periods for each division and yet we don't have adequate staff coverage. We cover that because we have dedicated law enforcement professionals who work on their days off or after a long shift which might not be the safest thing to do, but it is what they have to do. His hat goes off to the departments and we are at the point we are today with the reserve fund because of those departments efficiency. The Sheriff's office can't be run any more efficiently. Further cuts will result in less safety to the officers.

Commissioner Partch agreed Whitman County does have outstanding staff in the Sheriff's office. His budget figures for each department were built on fairness and equity and the removal of step freezes in every budget

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with the exception of the Sheriff's office. What hasn't been mentioned is because of prior negotiated contracts the Sheriff's Department will receive a 4-9% increase beginning in 2010 for approximately \$35,000. Therefore, since step freezes could not be made in the Sheriff's budget, he took a like amount off the bottom line of \$35,000 plus 1% off the Sheriff's bottom line budget of \$2,947,731. He also built his figures on the fact that most elected officials including the Sheriff wanted to handle reductions to their budgets through attrition including the Sheriff. That means if an opening occurred within the Sheriff's department, the position would not be refilled thereby satisfying the 1%. Commissioner Partch felt the Sheriff's office has to be a part of the solution and the 1% is a nominal figure. Yes, it may result in cutting services, just like other departments, we must do things differently just like in the Prosecutor's office. He doesn't like not having coverage from 2-7 a.m. but that has been the practice for at least the past 15 years. And that is the reasoning for how he came up with the bottom line amount for the Sheriff's office.

Auditor Eunice Coker commented unlike some of the other officials, she would not be able to make adjustments to her budget through attrition and will have to do something else.

Rick and Carolyn Kiesz spoke in support of the Sheriff's office as the most important department in the county.

In response to a question by Joe Smillie, Commissioner Largent said the estimated total for step freezes in 2010 is approximately \$43,000 but the county is still in negotiations on this issue for represented employees.

Chairman Largent invited any written or oral budget comments.

There being no further comments the hearing was recessed until 10:30 a.m. Monday, December 21st.

7:05 p.m. - Board Business Continued.

Present: Joe Smillie, Sarah Mason and Jeff Mannix.

070143 18. Commissioner O'Neill explained a letter of intent to enter into negotiations with Pullman Regional Hospital Foundation for the purchase of the Pullman Public Health Office space. The county currently rents the space but the rental agreement expires 07/01/10. The Foundation wants out of the landlord business. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign a letter of intent to open negotiations with Pullman Regional Hospital Foundation.

7:10 p.m. - Recess.

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D070143A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, December 8, 2009** at **2:00 p.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

2:00 p.m. - Meeting Reconvened/Board of Health.

Present: Dr. Moody, Michael Baker, Brian Beason, Cinnamon Brown and Jeslyn Lemke.

Commissioner Partch was unavailable for the first portion of the meeting.

070144 1. Brian Beason reviewed a list of uncollectible Public Health accounts for 2008 totaling \$1,355.00 and recommended the Board sign a resolution writing off these accounts. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the listed accounts be declared not collectible and removed from the accounting records of Whitman County Public Health accounts.

RESOLUTION NO. 070144

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, acting as the Board of Health, met on December 8, 2009 in regular session; and

WHEREAS, Whitman County Public Health has been awarded less money than the department submitted for billing; and,

WHEREAS, Whitman County Public Health is unable to collect fees from a client that is no longer in business; and,

WHEREAS, Whitman County Public Health's 2008 Account Receivable report contains errors, such as a double booking and an invoice paid in 2008; and,

WHEREAS, the Accounts Receivable transactions that need resolved are listed:

Client Name	Service/Explanation	Amount
Medicare	Awarded less money than submitted for payment	\$ 80.00
Medicare	Awarded less money than submitted for payment	120.00
Medicare	Awarded less money than submitted for payment	300.00
Medicare	Awarded less money than submitted for payment	100.00
Medicare	Awarded less money than submitted for payment	180.00
Medicare	Awarded less money than submitted for payment	20.00
Medicare	Awarded less money than submitted for payment	180.00
Medicare	Awarded less money than submitted for payment	20.00

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Medicare	Awarded less money than submitted for payment	40.00
N/A	Error on A/R report: Double booked amount	100.00
#7189	Greek House Inspection	125.00
#8504	Error on A/R report: Invoice paid in Dec-08	50.00
#FC86	Late fee charges	10.00
#FC102	Late fee charges	10.00
#FC123	Late fee charges	10.00
#FC134	Late fee charges	10.00
	Awarded less money than submitted for payment	1040.00
	Error on A/R report: Double booked amount	100.00
	Greek House Inspection	125.00
	Error on A/R report: Invoice paid in Dec-08	50.00
	Late fee charges	40.00
	TOTAL	\$ 1355.00

NOW, THEREFORE BE IT RESOLVED that the listed accounts be declared not collectable and removed from the accounting records of Whitman County Public Health accounts.

PASSED, APPROVED, AND ADOPTED this 8th day of December 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.

D070144A 2. Dr. Moody pointed out since 09/19/09 when the state required reporting of H1N1 cases there have been 1,232 hospitalized and 57 fatal cases in the state. The summary for November 22nd there were 22 hospitalized and 5 fatalities. Despite that, H1N1 activity is decreasing around the state. The virus is now moving along like a normal influenza season. There have been no recent hospitalizations or deaths reported in Whitman County and no shortage of the antiviral medications. The department has been conducting H1N1 vaccine clinics as it arrives. The vaccine has been distributed to hospitals, physician offices and a huge amount to WSU. So far the vaccine has been used for the target groups that we dispense to. We hope within the next week that we will be able to release the vaccine and lift the restrictions to anyone who wants it, regardless of health condition before holiday travel begins. Other counties in our region are doing the same. Idaho has lifted their

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restriction for anyone up to age 65. The pharmacies did not want the vaccine while restrictions were in place, they will now be interested in being a point of care. This will take a little load off the Health Department. Dr. Moody has proposed a joint WSU Health Services/WC Public Health clinic targeting WSU faculty and staff. Commissioner O'Neill thanked Dr. Moody and the entire department for their work with H1N1.

070145 3. Bruce Koliba distributed packets and explained the new step-by-step process for the on-site sewage program. Michael Baker is in the beginning stages of incorporating GPS into the on-site sewage program as well as for use with Solid Waste enforcement.

Commissioner Partch joined the meeting and talked about other county on-line, on-site sewage programs, but thought the new packets were a step in the right direction. Since the packets are so different from what everyone is used to, Mr. Koliba said Environmental Health prefers to have face-to-face conversations with homeowners and installers rather than putting the process on-line.

D070145A 4. Cinnamon Brown said she continues to work on the food establishment billings for 2010.

070146 5. Michael Baker presented the final contract with WSU. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to enter into an interagency agreement between WSU and Whitman County Public Health as presented (on-going).

070147 6. Michael Baker said in October the state approved the new WIC process and more recently approved was the WIC food sources. Public Health educational information was shared that is used in the Public Health office for WIC recipients.

D070147A 7. Michael Baker said the school nurses are working with the schools to keep sick students home; working on the high risk health care plans; the CACH (Coordinated Approach to Child Health) encouraging healthy eating behaviors and activity levels to help decrease obesity; performing pre-screening testing for vision, hearing, growth development and HIV education. The Pneumococcal 13 vaccine will soon be available to children replacing Pneumococcal 7.

D070147B 8. Mr. Baker reported tobacco compliance checks in 2009 resulted in 30 required checks in 2010. Jesse Hunter, Tobacco Coordinator is working with rental housing companies to adopt a smoke-free housing policy for the properties they rent.

D070147C 9. Michael Baker ABC Dental program is working in the Pullman Schools with 3rd graders and Kindergarteners for dental screenings. A

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screening will also be held in Colfax December 13th. New provider requirements will take effect January 2010.

D070147D 10. Monday and Wednesday are WIC days at the Pullman Public Health office and Tuesday is the H1N1 vaccine clinic as well as other vaccine services.

D070147E 11. The next Board of Health meeting is January 19th.

2:40 p.m. - Board Business Continued/Executive Session.

Present: Michael Baker, Dr. Moody and Bruce Koliba.

070148 12. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:00 p.m. in accordance with RCW 42.30.110(1)(i) for a matter relating to litigation.

3:00 p.m. - Return to Open Session/Recess.

D070148A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, December 14, 2009** at **9:00 a.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:15 a.m. - Meeting Reconvened/Board Business Continued/BOCC Workshop.

Present: Robin Cocking (9:15 a.m.), Fran Martin (9:30 a.m.-via telephone) and Joe Smillie.

070149 19. Items discussed included report on Search and Rescue efforts for lost hunter in Colton area. No action taken.

9:35 a.m. - Adjournment.

D070149A Commissioner O'Neill **moved** to adjourn the **December 7, 8 and 14, 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 **December 21, 2009**. The foregoing action made this **14th** day of **December 2009**.

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

MARIBETH BECKER, CMC

MICHAEL LARGENT, CHAIRMAN

