

Minutes of the 1 November 2011
Regular Meeting of the Yancey County Board of Commissioners
Held at 7:00 o'clock p.m. in the Yancey County Courtroom
Yancey County Courthouse, Burnsville, North Carolina

Present at the 1 November 2011 meeting of the Yancey County Board of Commissioners were Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Dale England, Commissioner Michele Presnell, Commissioner Marvin Holland, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, Yancey County Transportation Authority Director Lynn Austin, Linda Semon with the Cooperative Extension Service, members of the media, and members of the general public.

Call to Order and Approval of Agenda

Chairman Riddle called the meeting to order, and then asked Reverend Bradley Boone to deliver the invocation and lead everyone in the Pledge of Allegiance. Chairman Riddle then asked for a motion to approve the agenda. Commissioner Holland made a motion to approve the agenda and it was seconded by Commissioner Austin. The vote to approve was unanimous. (Attachment A)

Approval of the Minutes

The Board next considered the minutes from the September 26th Special Meeting. Commissioner Austin made a motion to approve the minutes and it was seconded by Commissioner Presnell. The vote to approve was unanimous. The next minutes that were under consideration were from the October 4th Regular Meeting. The motion to approve these minutes was made by Commissioner England and was seconded by Commissioner Austin. The vote to approve was unanimous.

Presentation

The Board next heard from Linda Semon with the Cooperative Extension Service. Ms. Semon explained some of the programs that 4-H is involved in and recognized several young people that have been actively involved in 4-H over the past year.

Public Comment

The first person to speak before the Board was Bill Grover. He spoke about the evils of progressivism and how it is wrong for the government to redact documents. The next person to speak before the Board was Lois Herb. Mrs. Herb wanted to say thank you for the great job that is being done with the security measures. She specifically wanted to thank County Manager Nathan Bennett and his staff and Sheriff Gary Banks and his staff. The next person to speak before the Board was Joe Mahoney, who commends the Board for the job that they do but would like to ask for more transparency in their decision making process. The next person to speak before the Board was Anthony Robinson, who once again foretold of the ruin of the United States into both socialism and fascism and spoke once more about the globalists who are taking over the country as we speak.

Yancey County Transportation Authority

The Board next heard from Yancey County Transportation Director Lynn Austin. Mrs. Austin stated that she was coming before the Board to ask for approval of an amendment to the Drug and Alcohol Policy. She stated that there were only two changes that needed to be made one on p. 5 and one on p. 14. These are just minor changes according to Mrs. Austin. Upon hearing from Mrs. Austin Commissioner Austin made a motion to approve the changes to the YCTA Drug and Alcohol Testing Policy. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment B).

Juvenile Crime Prevention Council

The Board next heard from County Manager Nathan Bennett concerning the Juvenile Crime Prevention Council (JCPC) for Yancey County. Mr. Bennett informed the Board that the JCPC is the entity that gives money to run programs like Mountain Friends and Project Challenge and gets the majority of the money from the state but does require \$13,199 from the county which has already been allocated in the 2011-12 budget. Upon hearing from County Manager Bennett, Commissioner Holland made a motion to approve the JCPC budget for 2011-12. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous. (Attachment C)

Toe River Health District 2011-12 Fee Schedule

The Board next heard from County Manager Bennett about the Toe River Health District 2011-12 Fee Schedule. Mr. Bennett told the Board that the fees are the same as last year but it is required that they go to each of the three counties that the district (Avery, Mitchell, and Yancey) serves to approve the rates each year. Upon hearing from County Manager Bennett, Commissioner England made a motion to approve the 2011-12 Toe River Health District Fee Schedule. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment D)

Senior Tar Heel Legislature Alternate Delegate

The Board next heard from County Manager Bennett concerning the Senior Tar Heel Legislature alternate delegate. Mr. Bennett informed the Board that Yancey County is represented by Mary Allen Estes as a Senior Tar Heel Legislature Delegate but an alternate should be appointed. Mr. Bennett stated that two individuals, Mr. Harvey Sharpe and Mrs. Daphne Griggs are interested in being appointed to this position. Upon hearing from Mr. Bennett, Commissioner England made a motion to appoint Daphne Griggs as the Senior Tar Heel Legislature Alternate Delegate. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous (Attachment E).

County Manager Business

The Board next heard from County Manager Bennett. Mr. Bennett gave the Board an update on the grading being done at the Comprehensive Recreation Grounds (CRG). Mr. Bennett stated that the grading was on schedule and should be completed by November 21st. He also stated there are a number of interested parties interested in helping to get the CRG up and going. Mr. Bennett also gave the Board an update on the renovation at the former Yancey Medical Center and soon to be new DSS facility. Mr. Bennett stated that the renovation is on schedule and hope to be in the building by the first of December. Mr. Bennett also commented on the fact that the county's IT Director was used to pull all of the data cables which resulted in a savings of almost \$20,000. Mr. Bennett next presented the 2012 Yancey County Holiday Schedule (Attachment F) and stated that the county holiday schedule is the same as the North Carolina Holiday Schedule with the addition of the Friday of the Craft's Fair. Upon hearing from County Manager Bennett Commissioner Presnell made a motion to approve the 2012 Yancey County Holiday Schedule. The motion was seconded by Commissioner Holland and the vote to approve was unanimous.

Commissioner Business

Chairman Riddle then asked the commissioners if they had any news they would like to share. Commissioner Presnell gave an update on the Yancey County Senior Center and stated that the Committee on Aging wants to look for more grants when the blueprints are completed. Commissioner Holland stated that he was excited about the prospect of the county acquiring a private tennis court to lease for a \$1 per year and hoped that there would be more news in the coming months.

Adjournment

Having no further business Commissioner England made a motion to adjourn and it was seconded by Commissioner Presnell. The vote to adjourn was unanimous.

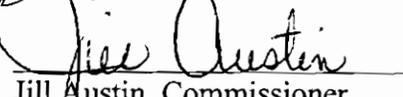
Approved and authenticated on this the 6th day of December 2011.

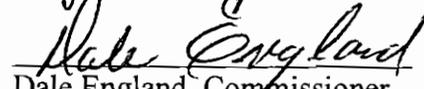
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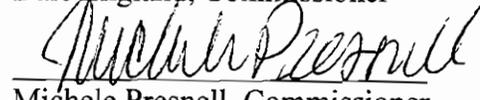

J. Jason Robinson
Clerk to the Board
(county seal)

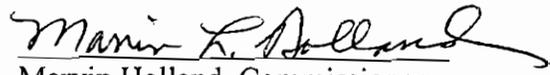



Johnny Riddle, Chairman


Jill Austin, Commissioner


Dale England, Commissioner


Michele Presnell, Commissioner


Marvin Holland, Commissioner

Attachment A

COUNTYMANAGER
Nathan Bennett



COMMISSIONERS
Jill Austin
Dale England
Marvin Holland
Michele Presnell
Johnny Riddle

YANCEY COUNTY

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AGENDA

YANCEY COUNTY BOARD OF COMMISSIONERS REGULAR BUSINESS MEETING

November 1, 2011

7:00 P.M.

- I. Call to Order – Chairman Johnny Riddle
- II. Invocation and Pledge of Allegiance
- III. Approval of the Agenda
- IV. Approval of Minutes
- V. **PRESENTATION** – 4-H Awards Presentation – Tres Magner and Linda Semon, Cooperative Extension Service
- VI. Public Comment
- VII. Yancey County Transportation Authority – Lynn Austin, Director
 - a. Drug and Alcohol Testing Policy (Update)
- VIII. Juvenile Crime Prevention Council – FY 2011-12 Budget
- IX. Toe River Health District – 2011-12 Fee Schedule
- X. Board Appointments
 - a. Senior Tar Heel Legislature – Alternate Delegate (1 appointment)
- XI. County Manager Business
 - a. Comprehensive Recreation Grounds – Construction Update
 - b. DSS Office Renovation – Construction Update
 - c. 2012 Yancey County Holiday Schedule
 - d. Other
- XII. Commissioner's Business
- XIII. Adjourn

DRUG AND ALCOHOL TESTING POLICY
Yancey County Transportation Authority
Adopted as of 11/1/11

PURPOSE

The Yancey County Transportation Authority provides public transit and paratransit services for the residents of Yancey County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Yancey County Transportation Authority declares that the unlawful manufacture, distribution, dispenses, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of Yancey County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined.

APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties Yancey County Transportation Authority employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of Yancey County Transportation Authority. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security

45 personnel who carry firearms, dispatchers or person controlling the
46 movement of revenue service vehicles and any other transit employee who is
47 required to hold a Commercial Drivers License. Maintenance functions
48 include the repair, overhaul, and rebuild of engines, vehicles and/or
49 equipment used in revenue service. A list of safety-sensitive positions that
50 perform one or more of the above mentioned duties is provided in Attachment
51 A. Supervisors are only safety sensitive if they perform one of the above
52 functions. Volunteers are considered safety sensitive and subject to testing if
53 they are required to hold a CDL, or receive remunerated for service in excess
54 of actual expense.
55

56 DEFINITIONS

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58
59 *Accident:* An occurrence associated with the operation of a vehicle even
60 when not in revenue service in revenue service, if as a result:

61 An individual dies;

62 An individual suffers a bodily injury and immediately receives medical
63 treatment away from the scene of the accident; or,

64 One or more vehicles incur disabling damage as the result of the
65 occurrence and are transported away from the scene by a tow truck or
66 other vehicle. For purposes of this definition, *disabling damage* means
67 damage which precludes departure of any vehicle from the scene of
68 the occurrence in its usual manner in daylight after simple repairs.
69 Disabling damage includes damage to vehicles that could have been
70 operated but would have been further damaged if so operated, but
71 does not include damage which can be remedied temporarily at the
72 scene of the occurrence without special tools or parts, tire disablement
73 without other damage even if no spare tire is available, or damage to
74 headlights, taillights, turn signals, horn, mirrors or windshield wipers
75 that makes them inoperative.
76

77 *Adulterated specimen:* A specimen that contains a substance that is not
78 expected to be present in human urine, or contains a substance expected to
79 be present but is at a concentration so high that it is not consistent with
80 human urine.

81
82 *Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low
83 molecular weight alcohols contained in any beverage, mixture, mouthwash,
84 candy, food, preparation or medication.

85
86 *Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters
87 of breath as measured by an evidential breath testing device.
88

89 *Aliquot:* A fractional part of a specimen used for testing, it is taken as a
90 sample representing the whole specimen.

91

92 *Canceled Test:* A drug test that has been declared invalid by a Medical
93 Review Officer. A canceled test is neither positive nor negative.

94

95 *Confirmatory Drug Test:* A second analytical procedure to identify the
96 presence of a specific drug or metabolite which is independent of the initial
97 test and which uses a different technique and chemical principle from that of
98 the initial in order to ensure reliability and accuracy.

99

100 *Confirmatory Validity Test:* A second test performed on a different aliquot of
101 the original urine specimen to further support a validity test result.

102

103 *Covered Employee:* An employee who performs a safety-sensitive function
104 including an applicant or transferee who is being considered for hire into a
105 safety-sensitive function (See Attachment A for a list of covered employees),
106 and other employees, applicants, or transferee that will not perform a safety-
107 sensitive function but falls under the policy of the company's own authority.

108

109 *Designated Employer Representative (DER):* An employee authorized by the
110 employer to take immediate action to remove employees from safety-
111 sensitive duties and to make required decisions in testing. The DER also
112 receives test results and other communications for the employer, consistent
113 with the requirements of 49 CFR Parts 40 and 655.

114

115 *Department of Transportation (DOT):* Department of the federal government
116 which includes the, Federal Transit Administration, Federal Railroad
117 Administration, Federal Highway Administration, Federal Motor Carriers'
118 Safety Administration, Research and Special Programs, and the Office of the
119 Secretary of Transportation.

120

121 *Dilute specimen:* A specimen with creatinine and specific gravity values that
122 are lower than expected for human urine.

123

124 *Disabling damage:* Damage which precludes departure of any vehicle from
125 the scene of the occurrence in its usual manner in daylight after simple
126 repairs. Disabling damage includes damage to vehicles that could have been
127 operated but would have been further damaged if so operated, but does not
128 include damage which can be remedied temporarily at the scene of the
129 occurrence without special tools or parts, tire disablement without other
130 damage even if no spare tire is available, or damage to headlights, taillights,
131 turn signals, horn, mirrors or windshield wipers that makes them inoperative.

132

133 *Evidentiary Breath Testing Device (EBT):* A Device approved by the NHTSA
134 for the evidential testing of breath at the 0.02 and the 0.04 alcohol
135 concentrations. Approved devices are listed on the National Highway Traffic
136 Safety Administration (NHTSA) conforming products list.

137
138 *Initial Drug Test:* An immunoassay test to eliminate “negative” urine
139 specimens from further consideration and to identify the presumptively
140 positive specimens that require confirmation or further testing.

141
142 *Invalid Result:* The result reported by a laboratory for a urine specimen that
143 contains an unidentified adulterant, contains an unidentified interfering
144 substance, has an abnormal physical characteristic, or has an endogenous
145 substance at an abnormal concentration that prevents the laboratory from
146 completing testing or obtaining a valid drug test result.

147
148 *Limit of Detection (LOD):* The lowest concentration at which an analyte can
149 be reliably shown to be present under defined conditions.

150
151 *Medical Review Officer (MRO):* A licensed physician (medical doctor or
152 doctor of osteopathy) responsible for receiving laboratory results generated
153 by the drug testing program who has knowledge of substance abuse
154 disorders, and has appropriate medical training to interpret and evaluate an
155 individual's confirmed positive test result, together with his/her medical
156 history, and any other relevant bio-medical information.

157
158 *Negative Dilute:* A drug test result which is negative for the five drug/drug
159 metabolites but has a specific gravity value lower than expected for human
160 urine.

161
162 *Negative test result:* The verified presence of the identified drug or its
163 metabolite below the minimum levels specified in 49 CFR Part 40, as
164 amended. An alcohol concentration of less than 0.02 BAC is a negative test
165 result.

166
167 *Non-negative test result:* A test result found to be adulterated, substitute,
168 invalid, or positive for drug/drug metabolites.

169
170 *Performing (a safety-sensitive function):* A covered employee is considered
171 to be performing a safety-sensitive function and includes any period in which
172 he or she is actually performing, ready to perform, or immediately available to
173 perform such functions.

174
175 *Positive test result:* A verified presence of the identified drug or its metabolite
176 at or above the minimum levels specified in 49 CFR Part 40, as amended. A

177 positive alcohol test result means a confirmed alcohol concentration of 0.04
178 BAC or greater.

179

180 *Prohibited drug:* Identified as marijuana, cocaine, opiates, amphetamines, or
181 phencyclidine at levels above the minimum thresholds specified in 49 CFR
182 Part 40, as amended.

183

184 *Revenue Service Vehicles:* All transit vehicles that are used for passenger
185 transportation service or that require a CDL to operate. Include all ancillary
186 vehicles used in support of the transit system.

187

188 *Safety-sensitive functions:* Employee duties identified as:

189 The operation of a transit revenue service vehicle even when the vehicle is
190 not in revenue service.

191 The operation of a non-revenue service vehicle by an employee when the
192 operation of such a vehicle requires the driver to hold a Commercial Drivers
193 License (CDL).

194 Maintaining a revenue service vehicle or equipment used in revenue service.

195 Controlling the movement of a revenue service vehicle and

196 Carrying a firearm for security purposes.

197

198 *Substance Abuse Professional (SAP):* A licensed physician (medical doctor or
199 doctor of osteopathy) or licensed or certified psychologist, social worker,
200 employee assistance professional, **state-licensed marriage and family**
201 **therapist, or addiction counselor** (certified by the National Association of
202 Alcoholism and Drug Abuse Counselors Certification Commission or by the
203 International Certification Reciprocity Consortium/Alcohol and other Drug
204 Abuse) with knowledge of and clinical experience in the diagnosis and
205 treatment of drug and alcohol related disorders.

206

207 *Substituted specimen:* A specimen with creatinine and specific gravity values
208 that are so diminished that they are not consistent with normal human urine.

209

210 *Test Refusal:* The following are considered a refusal to test if the employee:

211 Fails to appear for any test (excluding pre-employment) within a reasonable
212 time, as determined by the employer, after being directed to do so by the
213 employer

214 Fails to remain at the testing site until the testing process is complete

215 Fails to provide a urine or breath specimen for any drug or alcohol test
216 required by Part 40 or DOT agency regulations

217 In the case of a directly observed or monitored collection in a drug test, fails
218 to permit the observation or monitoring of your provision of a specimen

219 Fails to provide a sufficient amount of urine or breath when directed, and it
220 has been determined, through a required medical evaluation, that there was
221 no adequate medical explanation for the failure
222 Fails or declines to take a second test the employer or collector has directed
223 you to take
224 Fails to undergo a medical examination or evaluation, as directed by the MRO
225 as part of the verification process, or as directed by the DER as part of the
226 "shy bladder" or "shy lung" procedures
227 Fails to cooperate with any part of the testing process (e.g., refuse to empty
228 pockets when so directed by the collector, behave in a confrontational way
229 that disrupts the collection process)
230 If the MRO reports that there is verified adulterated or substituted test result
231 Failure or refusal to sign Step 2 of the alcohol testing form
232 Failure to follow the observer's instructions during an observed collection
233 including instructions to raise your clothing above the waist, lower clothing
234 and underpants, and to turn around to permit the observer to determine if you
235 have any type of prosthetic or other device that could be used to interfere with
236 the collection process.
237 Possess or wear a prosthetic or other device that could be used to interfere
238 with the collection process
239 Admit to the collector or MRO that you adulterated or substituted the
240 specimen.

241
242

243 *Verified negative test:* A drug test result reviewed by a medical review officer
244 and determined to have no evidence of prohibited drug use above the
245 minimum cutoff levels established by the Department of Health and Human
246 Services (HHS).

247

248 *Verified positive test:* A drug test result reviewed by a medical review officer
249 and determined to have evidence of prohibited drug use above the minimum
250 cutoff levels specified in 49 CFR Part 40 as revised.

251

252 *Validity testing:* The evaluation of the specimen to determine if it is consistent
253 with normal human urine. Specimen validity testing will be conducted on all
254 urine specimens provided for testing under DOT authority. The purpose of
255 validity testing is to determine whether certain adulterants or foreign
256 substances were added to the urine, if the urine was diluted, or if the
257 specimen was substituted.

258

259 **EDUCATION AND TRAINING**

260

261 Every covered employee will receive a copy of this policy and will have ready
262 access to the corresponding federal regulations including 49 CFR Parts 655

263 and 40, as amended. In addition, all covered employees will undergo a
264 minimum of 60 minutes of training on the signs and symptoms of drug use
265 including the effects and consequences of drug use on personal health,
266 safety, and the work environment. The training also includes manifestations
267 and behavioral cues that may indicate prohibited drug use.

268
269 All supervisory personnel or company officials who are in a position to
270 determine employee fitness for duty will receive 60 minutes of reasonable
271 suspicion training on the physical, behavioral, and performance indicators of
272 probable drug use and 60 minutes of additional reasonable suspicion training
273 on the physical, behavioral, speech, and performance indicators of probable
274 alcohol misuse. Under the Yancey County Transportation's own authority,
275 supervisory personnel will also be trained on how to intervene constructively
276 and how to effectively integrate an employee back into his/her work group
277 following intervention and/or treatment.

278
279 Information on the signs, symptoms, health effects, and consequences of
280 alcohol misuse is presented in Attachment B of this policy.

281 282 **PROHIBITED SUBSTANCES**

283
284 Prohibited substances addressed by this policy include the following.

285
286
287 Illegally Used Controlled Substance or Drugs Under the Drug-Free
288 Workplace Act of 1988 any drug or any substance identified in
289 Schedule I through V of Section 202 of the Controlled Substance Act
290 (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through
291 1300.15 is prohibited at all times in the workplace unless a legal
292 prescription has been written for the substance. This includes, but is
293 not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP),
294 and cocaine, as well as any drug not approved for medical use by the
295 U.S. Drug Enforcement Administration or the U.S. Food and Drug
296 Administration. Illegal use includes use of any illegal drug, misuse of
297 legally prescribed drugs, and use of illegally obtained prescription
298 drugs. Also, the medical use of marijuana, or the use of hemp related
299 products, as which cause drug or drug metabolites to be present in the
300 body above the minimum thresholds is a violation of this policy

301
302 Federal Transit Administration drug testing regulations (49
303 CFR Part 655) require that all covered employees be tested
304 for marijuana, cocaine, amphetamines, opiates, and
305 phencyclidine as described in Section H of this policy. Illegal
306 use of these five drugs is prohibited at all times and thus,

307 covered employees may be tested for these drugs anytime
308 that they are on duty.

309
310 Legal Drugs: The appropriate use of legally prescribed drugs and non-
311 prescription medications is not prohibited. However, the use of any
312 substance which carries a warning label that indicates that mental
313 functioning, motor skills, or judgment may be adversely affected must
314 be reported to a Yancey County Transportation Authority supervisor
315 and the employee is required to provide a written release from his/her
316 doctor or pharmacist indicating that the employee can perform his/her
317 safety-sensitive functions.

318
319 Alcohol: The use of beverages containing alcohol (including any
320 mouthwash, medication, food, candy) or any other substances
321 such that alcohol is present in the body while performing safety-
322 sensitive job functions is prohibited. An alcohol test can be performed
323 on a covered employee under 49 CFR Part 655 just before, during, or
324 just after the performance of safety-sensitive job functions. Under
325 Yancey County Transportation the authority, an alcohol test can be
326 performed any time a covered employee is on duty.

327

328

329 **PROHIBITED CONDUCT**

330

331 All covered employees are prohibited from reporting for duty or remaining on
332 duty any time there is a quantifiable presence of a prohibited drug in the body
333 above the minimum thresholds defined in 49 CFR PART 40, as amended.

334

335 Each covered employee is prohibited from consuming alcohol while
336 performing safety-sensitive job functions or while on-call to perform safety-
337 sensitive job functions. If an on-call employee has consumed alcohol, they
338 must acknowledge the use of alcohol at the time that they are called to report
339 for duty. The covered employee will subsequently be relieved of his/her on-
340 call responsibilities and subject to discipline.

341

342 The Transit Department shall not permit any covered employee to perform or
343 continue to perform safety-sensitive functions if it has actual knowledge that
344 the employee is using alcohol

345

346 Each covered employee is prohibited from reporting to work or remaining on
347 duty requiring the performance of safety-sensitive functions while having an
348 alcohol concentration of 0.02 or greater regardless of when the alcohol was
349 consumed.

350

351 No covered employee shall consume alcohol for eight (8) hours following
352 involvement in an accident or until he/she submits to the post-accident
353 drug/alcohol test, whichever occurs first.

354

355 No covered employee shall consume alcohol within four (4) hours prior to the
356 performance of safety-sensitive job functions.

357

358 Yancey County Transportation Authority under its own authority also prohibits
359 the consumption of alcohol all times employee is on duty, or anytime the
360 employee is in uniform.

361

362 Consistent with the Drug-free Workplace Act of 1988, all Yancey County
363 Transportation Authority employees are prohibited from engaging in the
364 unlawful manufacture, distribution, dispensing, possession, or use of
365 prohibited substances in the work place including Transit Department
366 premises and transit vehicles.

367

368

369 **DRUG STATUTE CONVICTION**

370

371 Consistent with the Drug Free Workplace Act of 1998, all employees are
372 required to notify the Yancey County Transportation Authority management of
373 any criminal drug statute conviction for a violation occurring in the workplace
374 within five days after such conviction. Failure to comply with this provision
375 shall result in disciplinary action as defined in Section Q.10 of this policy.

376

377

378 **TESTING REQUIREMENTS**

379

380 Analytical urine drug testing and breath testing for alcohol will be conducted
381 as required by 49CFR part 40 as amended. All covered employees shall be
382 subject to testing prior to performing safety-sensitive duty, for reasonable
383 suspicion, following an accident, and random as defined in Section K, L, M,
384 and N of this policy, and return to duty/follow-up.

385

386 All covered employees who have tested positive for drugs or alcohol will be
387 tested prior to returning to duty after completion of the Substance Abuse
388 Professional's recommended treatment program and subsequent release to
389 duty. Follow-up testing will also be conducted following return-to-duty for a
390 period of one to five years, with at least six tests performed during the first
391 year. The duration and frequency of the follow-up testing above the minimum
392 requirements will be at the discretion of the Substance Abuse Professional.

393

394 A drug test can be performed any time a covered employee is on duty. An
395 alcohol test can be performed just before, during, or after the performance of
396 a safety-sensitive job function. Under Yancey County Transportation
397 authority, an alcohol test can be performed any time a covered employee is
398 on duty.

399
400 All covered employees will be subject to urine drug testing and breath alcohol
401 testing as a condition of ongoing employment with Yancey County
402 Transportation Authority. Any safety-sensitive employee who refuses to
403 comply with a request for testing shall be removed from duty and subject to
404 discipline as defined in Section Q.3 of this policy. Any covered employee who
405 is suspected of providing false information in connection with a drug test, or
406 who is suspected of falsifying test results through tampering, contamination,
407 adulteration, or substitution will be required to undergo an observed
408 collection. Verification of the above listed actions will be considered a test
409 refusal and will result in the employee's removal from duty and disciplined as
410 defined in Section Q.3 of this policy. Refer to Section Q for behavior that
411 constitutes a refusal to test.

412 413 **DRUG TESTING PROCEDURES**

414
415
416 Testing shall be conducted in a manner to assure a high degree of accuracy
417 and reliability and using techniques, equipment, and laboratory facilities which
418 have been approved by the U.S. Department of Health and Human Service
419 (HHS). All testing will be conducted consistent with the procedures set forth
420 in 49 CFR Part 40, as amended. The procedures will be performed in a
421 private, confidential manner and every effort will be made to protect the
422 employee, the integrity of the drug testing procedure, and the validity of the
423 test result.

424
425 The drugs that will be tested for include marijuana, cocaine, opiates,
426 amphetamines, and phencyclidine. After the identity of the donor is checked
427 using picture identification, a urine specimen will be collected using the split
428 specimen collection method described in 49 CFR Part 40, as amended. Each
429 specimen will be accompanied by a DOT Chain of Custody and Control Form
430 and identified using a unique identification number that attributes the
431 specimen to the correct individual. The specimen analysis will be conducted
432 at a HHS certified laboratory. An initial drug screen and validity test will be
433 conducted on the primary urine specimen. For those specimens that are not
434 negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS)
435 test will be performed. The test will be considered positive if the amounts of
436 the drug(s) and/or its metabolites identified by the GC/MS test are above the
437 minimum thresholds established in 49 CFR Part 40, as amended.

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The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Yancey County Transportation Authority Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.

If the test is invalid with out a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Yancey County Transportation Authority will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however Yancey County Transportation Authority will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split

481 specimen is not able to be analyzed the MRO will direct Yancey County
482 Transportation Authority to retest the employee under direct observation.

483
484 The split specimen will be stored at the initial laboratory until the analysis of
485 the primary specimen is completed. If the primary specimen is negative, the
486 split will be discarded. If the primary is positive, the split will be retained for
487 testing if so requested by the employee through the Medical Review Officer.
488 If the primary specimen is positive, it will be retained in frozen storage for one
489 year and the split specimen will also be retained for one year.

490 491 Observed collections

492
493 Consistent with 49 CFR part 40, as amended, collection under direct
494 observation (by a person of the same gender) with no advance notice will
495 occur if:

496
497 The laboratory reports to the MRO that a specimen is invalid
498 and the MRO reports to Yancey County Transportation
499 Authority that there was not an adequate medical explanation
500 for the result;

501
502 The MRO reports to Yancey County Transportation Authority
503 that the original positive, adulterated, or substituted test result
504 had to be cancelled because the test of the split specimen
505 could not be performed;

506
507 The collector observes materials brought to the collection site
508 or the employee's conduct clearly indicates an attempt to
509 tamper with a specimen;

510
511 The temperature on the original specimen was out of range;

512
513 All return-to-duty tests;

514
515 All follow-up-tests; or

516
517 Anytime the employee is directed to provide another specimen
518 because the original specimen appeared to have been
519 tampered with.

520 521 **ALCOHOL TESTING PROCEDURES**

522
523 Tests for breath alcohol concentration will be conducted utilizing a National
524 Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath

525 Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT).
526 Alcohol screening tests may be performed using a non-evidential testing
527 device which is also approved by NHSTA. If the initial test indicates an
528 alcohol concentration of 0.02 or greater, a second test will be performed to
529 confirm the results of the initial test. The confirmatory test must occur on an
530 EBT. The confirmatory test will be conducted at least fifteen minutes after the
531 completion of the initial test. The confirmatory test will be performed using a
532 NHTSA-approved EBT operated by a trained BAT. The EBT will identify each
533 test by a unique sequential identification number. This number, time, and unit
534 identifier will be provided on each EBT printout. The EBT printout, along with
535 an approved alcohol testing form, will be used to document the test, the
536 subsequent results, and to attribute the test to the correct employee. The test
537 will be performed in a private, confidential manner as required by 49 CFR
538 Part 40, as amended. The procedure will be followed as prescribed to protect
539 the employee and to maintain the integrity of the alcohol testing procedures
540 and validity of the test result.

541
542 An employee who has a confirmed alcohol concentration of 0.04 or greater
543 will be considered a positive alcohol test and in violation of this policy. The
544 consequences of a positive alcohol test are described in Section Q.4-5 of this
545 policy. Even though an employee who has a confirmed alcohol concentration
546 of 0.02 to 0.039 is not considered positive, the employee shall still be
547 removed from duty for at least eight hours or for the duration of the work day
548 whichever is longer and will be subject to the consequences described in
549 Section Q.9 of this policy. An alcohol concentration of less than 0.02 will be
550 considered a negative test.

551
552 The Transit Department affirms the need to protect individual dignity, privacy,
553 and confidentiality throughout the testing process. If at any time the integrity
554 of the testing procedures or the validity of the test results is compromised, the
555 test will be canceled. Minor inconsistencies or procedural flaws that do not
556 impact the test result will not result in a cancelled test.

557
558 The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall
559 be used for all FTA required testing. Failure of an employee to sign step 2 of
560 the ATF will be considered a refusal to submit to testing.

561

562

563 **PRE-EMPLOYMENT TESTING**

564

565 All applicants for covered transit positions shall undergo urine drug testing
566 and breath alcohol testing prior to performance of a safety-sensitive function.
567 All offers of employment for covered positions shall be extended conditional
568 upon the applicant passing a drug and alcohol test . An applicant shall not be

569 placed into a safety -sensitive position unless the applicant takes a drug test
570 with verified negative results, *and an alcohol concentration below 0.02.*

571

572 A non-covered employee shall not be placed, transferred or promoted into a
573 covered position until the employee takes a drug test with verified negative
574 results *and an alcohol concentration below 0.02.*

575

576 If an applicant fails a pre-employment drug or alcohol test, the conditional
577 offer of employment shall be rescinded. Failure of a pre-employment drug
578 and/or alcohol test will disqualify an applicant for employment for a period of
579 at least one year. . The applicant must provide the employer proof of having
580 successfully completed a referral, evaluation and treatment plan as described
581 in section 655.62 of subpart G. The cost for the assessment and any
582 subsequent treatment will be the sole responsibility of the applicant.

583

584 When an employee being placed, transferred, or promoted from a non-
585 covered position to a covered position submits a drug test with a verified
586 positive result, *and/or an alcohol concentration above 0.04* the employee shall
587 be subject to disciplinary action in accordance with Section Q.4-5 and 9
588 herein.

589

590 If a pre-employment/pre-transfer test is canceled, Yancey County
591 Transportation Authority will require the applicant to take and pass another
592 pre-employment drug test.

593

594 In instances where a covered employee is on extended leave for a period of
595 90 days or more regardless of reason, and is not in the random testing pool
596 the employee will be required to take a drug *and alcohol* test under 49 CFR
597 Part 655 and have negative test results prior to the conduct of safety-sensitive
598 job functions.

599

600 An applicant with a dilute negative test result will be required to retest.
601 Following a negative dilute the employee will be required to undergo another
602 test. Should this second test result in a negative dilute result, the test will be
603 considered a negative and no additional testing will be required unless
604 directed to do so by the MRO.

605

606

607 Applicants are required (even if not ultimately not hired) to provide their
608 consent to Yancey County Transportation Authority to request FTA drug and
609 alcohol records from all previous, DOT covered, employers that the applicant
610 has worked for within the last two years. Failure to do so will result in the
611 employment offer being rescinded. Yancey County Transportation Authority is
612 required to ask all applicants (even if not ultimately hired) if they have tested

613 positive or refused to test on a pre-employment test for DOT covered
614 employer within the last two years. If the applicant has tested positive or
615 refused to test on a pre-employment test for a DOT covered employer. The
616 applicant must provide Yancey County Transportation Authority proof of
617 having successfully completed a referral, evaluation and treatment plan as
618 described in section 655.62 of subpart G.
619

620 **REASONABLE SUSPICION TESTING**

621
622
623 All Yancey County Transportation Authority's covered employees will be
624 subject to a reasonable suspicion drug and/or alcohol test when the employer
625 has reasonable suspicion to believe that the covered employee has used a
626 prohibited drug and/or engaged in alcohol misuse.. Reasonable suspicion
627 shall mean that there is objective evidence, based upon specific,
628 contemporaneous, articulable observations of the employee's appearance,
629 behavior, speech or body odor that are consistent with possible drug use
630 and/or alcohol misuse. Reasonable suspicion referrals must be made by one
631 or more supervisors who are trained to detect the signs and symptoms of
632 drug and alcohol use, and who reasonably concludes that an employee may
633 be adversely affected or impaired in his/her work performance due to possible
634 prohibited substance abuse or alcohol misuse. A reasonable suspicion
635 alcohol test can only be conducted just before, during, or just after the
636 performance of a safety-sensitive job function. However, under Yancey
637 County Transportation Authority's authority, a reasonable suspicion alcohol
638 test may be performed any time the covered employee is on duty. A
639 reasonable suspicion drug test can be performed any time the covered
640 employee is on duty.
641

642 Yancey County Transportation Authority shall be responsible for transporting
643 the employee to the testing site. Supervisors should avoid placing
644 themselves and/or others into a situation which might endanger the physical
645 safety of those present. The employee shall be placed on administrative
646 leave pending disciplinary action described in Section Q.4-5 and 9 of this
647 policy. An employee who refuses an instruction to submit to a drug/alcohol
648 test shall not be permitted to finish his or her shift and shall immediately be
649 placed on administrative leave pending disciplinary action as specified in
650 Section Q.3 of this policy.
651

652 A written record of the observations which led to a drug/alcohol test based on
653 reasonable suspicion shall be prepared and signed by the supervisor making
654 the observation. This written record shall be submitted to the Yancey County
655 Transportation Authority management and shall be attached to the forms
656 reporting the test results.

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When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. Yancey County Transportation Authority shall place the employee on administrative leave in accordance with the provisions set forth under Section Q.9 of this policy. Testing in this circumstance would be performed under the direct authority of the Yancey County Transportation Authority. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.9.

POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will

701 document the reason(s) for the delay. If the alcohol test is not
702 conducted within (8) eight hours, or the drug test within 32 hours,
703 attempts to conduct the test must cease and the reasons for the failure
704 to test documented.

705
706 Any covered employee involved in an accident must refrain from
707 alcohol use for eight (8) hours following the accident or until he/she
708 undergoes a post-accident alcohol test.

709
710 An employee who is subject to post-accident testing who fails to
711 remain readily available for such testing, including notifying a
712 supervisor of his or her location if he or she leaves the scene of the
713 accident prior to submission to such test, may be deemed to have
714 refused to submit to testing.

715
716 Nothing in this section shall be construed to require the delay of
717 necessary medical attention for the injured following an accident, or to
718 prohibit an employee from leaving the scene of an accident for the
719 period necessary to obtain assistance in responding to the accident, or
720 to obtain necessary emergency medical care.

721
722 In the rare event that Yancey County Transportation Authority is
723 unable to perform an FTA drug and alcohol test (i.e., employee is
724 unconscious, employee is detained by law enforcement agency),
725 Yancey County Transportation Authority may use drug and alcohol
726 post-accident test results administered by local law enforcement
727 officials in lieu of the FTA test. The local law enforcement officials
728 must have independent authority for the test and the employer must
729 obtain the results in conformance with local law.

730
731

732 **RANDOM TESTING**

733
734

735 All covered employees will be subjected to random, unannounced testing.
736 The selection of employees shall be made by a scientifically valid method of
737 randomly generating an employee identifier from the appropriate pool of
738 safety-sensitive employees.

739
740

741 The dates for administering unannounced testing of randomly selected
742 employees shall be spread reasonably throughout the calendar year, day of
743 the week and hours of the day.

744
745

746 The number of employees randomly selected for drug/alcohol testing during
747 the calendar year shall be not less than the percentage rates established by

745 Federal regulations for those safety-sensitive employees subject to random
746 testing by Federal regulations. The current random testing rate for drugs
747 established by FTA equals fifty percent of the number of covered employees
748 in the pool and the random testing rate for alcohol established by FTA equals
749 ten percent of the number of covered employees in the pool.

750
751 Each covered employee shall be in a pool from which the random selection is
752 made. Each covered employee in the pool shall have an equal chance of
753 selection each time the selections are made. Employees will remain in the
754 pool and subject to selection, whether or not the employee has been
755 previously tested. There is no discretion on the part of management in the
756 selection.

757
758 Covered transit employees that fall under the Federal Transit Administration
759 regulations will be included in one random pool maintained separately from
760 the testing pool of employees that are included solely under Yancey County
761 Transportation Authority, authority.

762
763 Random tests can be conducted at any time during an employee's shift for
764 drug testing. Alcohol random tests can be performed just before, during, or
765 just after the performance of a safety sensitive duty. However, under the
766 Yancey County Transportation Authority's authority, a random alcohol test
767 may be performed any time the covered employee is on duty. Testing can
768 occur during the beginning, middle, or end of an employee's shift.

769
770 Employees are required to proceed immediately to the collection site upon
771 notification of their random selection.

772
773

774 **RETURN-TO-DUTY TESTING**

775

776 Even though *Yancey County Transportation Authority* is a zero tolerance
777 transit system and you are subject to termination for refusal to test or a
778 positive drug and/or alcohol test, the following provision only applies in the
779 unlikely event you are returned to duty.

780

781 All covered employees who previously tested positive on a drug or alcohol
782 test or refused a test, must test negative for drugs, alcohol (below 0.02 for
783 alcohol), or both and be evaluated and released by the Substance Abuse
784 Professional before returning to work. For an initial positive drug test a
785 Return-to-Duty drug test is required and an alcohol test is allowed. For an
786 initial positive alcohol test a Return-to-Duty alcohol test is required and a drug
787 test is allowed. Following the initial assessment, the SAP will recommend a
788 course of rehabilitation unique to the individual. The SAP will recommend

789 the return-to-duty test only when the employee has successfully completed
790 the treatment requirement and is known to be drug and alcohol-free and there
791 are no undo concerns for public safety.

792
793
794 **FOLLOW-UP TESTING**

795
796 Even though *Yancey County Transportation Authority* is a zero tolerance
797 transit system and you are subject to termination for refusal to test or positive
798 drug and/or alcohol test, the following information only applies in the unlikely
799 event you are returned to duty.

800
801 Covered employees will be required to undergo frequent, unannounced drug
802 and/or alcohol testing following their return-to-duty. The follow-up testing will
803 be performed for a period of one to five years with a minimum of six tests to
804 be performed the first year. The frequency and duration of the follow-up tests
805 (beyond the minimums) will be determined by the SAP reflecting the SAP's
806 assessment of the employee's unique situation and recovery progress.
807 Follow-up testing should be frequent enough to deter and/or detect a relapse.
808 Follow-up testing is separate and in addition to the random, post-accident,
809 reasonable suspicion and return-to-duty testing.

810
811
812 **RESULT OF DRUG/ALCOHOL TEST**

813
814 Any covered employee that has a verified positive drug or alcohol test will be
815 removed from his/her safety-sensitive position, informed of educational and
816 rehabilitation programs available, and referred to a Substance Abuse
817 Professional (SAP) for assessment and will be terminated

818
819 An applicant with a dilute negative test result will be required to retest.
820 Following a negative dilute the employee will be required to undergo another
821 test. Should this second test result in a negative dilute result, the test will be
822 considered a negative and no additional testing will be required unless
823 directed to do so by the MRO.

824
825
826 A positive drug and/or alcohol test will also result in disciplinary action as
827 specified herein.

828
829 As soon as practicable after receiving notice of a verified positive drug
830 test result, a confirmed alcohol test result, or a test refusal, the Yancey
831 County Transportation Authority Drug and Alcohol Program Manager

832 will contact the employee's supervisor to have the employee cease
833 performing any safety-sensitive function.
834 The employee shall be referred to a Substance Abuse Professional for
835 an assessment and will be terminated.
836 Refusal to submit to a drug/alcohol test shall be considered a positive
837 test result and a direct act of insubordination and shall result in
838 termination. A test refusal includes the following circumstances:
839 A covered employee who consumes alcohol within eight (8) hours following
840 involvement in an accident without first having submitted to post-accident
841 drug/alcohol tests.
842 A covered employee who leaves the scene of an accident without a legitimate
843 explanation prior to submission to drug/alcohol tests.
844 A covered employee who provides false information in connection with a drug
845 test.
846 A covered employee who provides an insufficient volume of urine specimen
847 or breath sample without a valid medical explanation. The medical evaluation
848 shall take place within 5 days of the initial test attempt
849 A verbal or written declaration, obstructive behavior, or physical absence
850 resulting in the inability to conduct the test within the specified time frame.
851 A covered employee whose urine sample has been verified by the MRO as
852 substitute or adulterated.
853 A covered employee fails to appear for any test within a reasonable time, as
854 determined by the employer, after being directed to do so by the employer
855 A covered employee fails to remain at the testing site until the testing process
856 is complete;
857 A covered employee fails to provide a urine specimen for any drug test
858 required by Part 40 or DOT agency regulations;
859 A covered employee fails to permit the observation or monitoring of a
860 specimen collection
861 A covered employee fails or declines to take a second test the employer or
862 collector has directed you to take;
863 A covered employee fails to undergo a medical examination or evaluation, as
864 directed by the MRO as part of the verification process, or as directed by the
865 DER as part of the "shy bladder" or "shy lung" procedures
866 A covered employee fails to cooperate with any part of the testing process
867 (e.g., refuse to empty pockets when so directed by the collector behave in a
868 confrontational way that disrupts the collection process).
869 Failure to sign Step 2 of the Alcohol Testing form
870 Failure to follow the observer's interactions during an observed collection
871 including interactions to raise your clothing above the waist, lower clothing
872 and underpants, and to turn around to permit the observer to determine if you
873 have any type of prosthetic or other device that could be used to interfere with
874 the collection process.

875 Possess or wear a prosthetic or other device that could be used to interfere
876 with the collection process.

877 Admit to the collector or MRO that or adulterated or substituted the
878 specimen.

879

880

881 For the instance of a verified positive test from a sample submitted as the
882 result of a random, drug/alcohol test (≥ 0.04 BAC), disciplinary action against
883 the employee shall include:

884 Mandatory referral to Substance Abuse Professional for assessment,
885 formulation of a treatment plan, and termination from employment.

886 Refusal to submit to a periodic unannounced follow-up drug/alcohol
887 test shall be considered a direct act of insubordination and shall result
888 in termination.

889

890 A verified positive post-accident, or reasonable suspicion drug and/or alcohol
891 (≥ 0.04) test shall result in termination.

892

893 An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of
894 the employee from duty for eight hours or the remainder of the work day
895 whichever is longer. The employee will not be allowed to return to safety-
896 sensitive duty for his/her next shift until he/she submits to an alcohol test with
897 a result of less than 0.02 BAC. If the employee has an alcohol test result of \geq
898 0.02 to ≤ 0.039 two or more times within a six month period, the employee will
899 be removed from duty and referred to the SAP for assessment and treatment
900 consistent with Section Q.9 of this policy.

901

902 Failure of an employee to report within five days a criminal drug statute
903 conviction for a violation occurring in the workplace shall result in termination.

904

905 **GRIEVANCE AND APPEAL**

906

907 The consequences specified by 49 CFR Part 40.149 (c) for a positive test or
908 test refusal is not subject to arbitration.

909

910

911 **PROPER APPLICATION OF THE POLICY**

912

913 Yancey County Transportation Authority is dedicated to assuring fair and
914 equitable application of this substance abuse policy. Therefore,
915 supervisors/managers are required to use and apply all aspects of this policy
916 in an unbiased and impartial manner. Any supervisor/manager who
917 knowingly disregards the requirements of this policy, or who is found to

918 deliberately misuse the policy in regard to subordinates, shall be subject to
919 disciplinary action, up to and including termination.

920

921

922 **INFORMATION DISCLOSURE**

923

924 Drug/alcohol testing records shall be maintained by the Yancey County
925 Transportation Authority Drug and Alcohol Program Manager and, except as
926 provided below or by law, the results of any drug/alcohol test shall not be
927 disclosed without express written consent of the tested employee.

928

929 The employee, upon written request, is entitled to obtain copies of any
930 records pertaining to their use of prohibited drugs or misuse of alcohol
931 including any drug or alcohol testing records. Covered employees have the
932 right to gain access to any pertinent records such as equipment calibration
933 records, and records of laboratory certifications. Employees may not have
934 access to SAP referrals and follow-up testing plans.

935

936 Records of a verified positive drug/alcohol test result shall be released to the
937 Drug and Alcohol Program Manager, Department Supervisor and Personnel
938 Manager on a need to know basis.

939

940 Records will be released to a subsequent employer only upon receipt of a
941 written request from the employee.

942

943 Records of an employee's drug/alcohol tests shall be released to the
944 adjudicator in a grievance, lawsuit, or other proceeding initiated by or on
945 behalf of the tested individual arising from the results of the drug/alcohol test.
946 The records will be released to the decision maker in the preceding. The
947 information will only be released with binding stipulation from the decision
948 maker will make it available only to parties in the preceding. Records will be
949 released to the National Transportation Safety Board during an accident
950 investigation.

951

952 Information will be released in a criminal or civil action resulting from an
953 employee's performance of safety-sensitive duties, in which a court of
954 competent jurisdiction determines that the drug or alcohol test information is
955 relevant to the case and issues an order to the employer to release the
956 information. The employer will release the information to the decision maker
957 in the proceeding with a binding stipulation that it will only be released to
958 parties of the proceeding.

959

960 Records will be released to the DOT or any DOT agency with regulatory
961 authority over the employer or any of its employees.

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Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Yancey County Transportation Authority or the employee.

If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken

In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Yancey County Board of Commissioners* on _____, 2011.

Chairman

Member

Member

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SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Yancey County Transportation Drug and Alcohol Program Manager

Name: Lynn Austin
Title: Director
Address: 115 Mitchell Branch Road, Burnsville, NC 28714
Telephone Number: 828-682-6144

Medical Review Officer

Name: N.K Singh MD- NASTC
Title: MRO
Address: 2054 Nashville Pike, Gallatin, TN 37066
Telephone Number: 800-264-8580

Substance Abuse Professional

Name: Mary Bailey
Title: Owner/ Operator of A-1 substance abuse
Address: 117 Frank Biddix Road, Spruce Pine, NC 28777
Telephone Number: 828-765-4010

HHS Certified Laboratory Primary Specimen

Name: Quest Diagnostics
Address: 3175 Presidential Drive, Atlanta, GA 30340
Telephone Number:

HHS Certified Laboratory Split Specimen

Name: QED A-150
Address:
Telephone Number:

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Attachment A

—Administration Covered Classifications---

**YCTA Director
YCTA Administrative Assistant
P/T Administrative Assistant**

Job Classifications—

**Lead Driver
F/T Drivers
P/T Drivers
Substitute Drivers**

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- . Dulled mental processes
- . Lack of coordination
- . Odor of alcohol on breath
- . Possible constricted pupils
- . Sleepy or stuporous condition
- . Slowed reaction rate
- . Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- . Decreased sexual functioning

1076 . Dependency (up to 10 percent of all people who drink alcohol
1077 become physically and/or mentally dependent on alcohol and can be
1078 termed "alcoholic")
1079 . Fatal liver diseases
1080 . Increased cancers of the mouth, tongue, pharynx, esophagus,
1081 rectum, breast, and malignant melanoma
1082 . Kidney disease
1083 . Pancreatitis
1084 . Spontaneous abortion and neonatal mortality
1085 . Ulcers
1086 . Birth defects (up to 54 percent of all birth defects are alcohol
1087 related).

1088

1089 ☐ Social Issues

1090

1091 . Two-thirds of all homicides are committed by people who drink prior
1092 to the crime.

1093 . Two to three percent of the driving population is legally drunk at any
1094 one time. This rate is doubled at night and on weekends.

1095 . Two-thirds of all Americans will be involved in an alcohol-related
1096 vehicle accident during their lifetimes.

1097 . The rate of separation and divorce in families with alcohol
1098 dependency problems is 7 times the average.

1099 . Forty percent of family court cases are alcohol problem related.

1100 . Alcoholics are 15 times more likely to commit suicide than are other
1101 segments of the population.

1102 . More than 60 percent of burns, 40 percent of falls, 69 percent of
1103 boating accidents, and 76 percent of private aircraft accidents are
1104 alcohol related.

1105

1106 ☐ The Annual Toll

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1108 . 24,000 people will die on the highway due to the legally impaired
1109 driver.

1110 . 12,000 more will die on the highway due to the alcohol-affected
1111 driver.

1112 . 15,800 will die in non-highway accidents.

1113 . 30,000 will die due to alcohol-caused liver disease.

1114 . 10,000 will die due to alcohol-induced brain disease or suicide.

1115 . Up to another 125,000 will die due to alcohol-related conditions or
1116 accidents.

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1118 ☐ Workplace Issues

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. It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.

. Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.

. A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

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Attachment C
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS
(ng/ml)

Marijuana metabolites(1)	50
Cocaine metabolites(2)	300
Opiate metabolites(4)	2,000
Phencyclidine	25
Amphetamines	1,000

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CONFIRMATORY TEST
CUT/OFF LEVELS (ng/ml)

Marijuana metabolites(1)	15
Cocaine metabolites(2)	150
Opiates: (4)	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine(3)	500

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(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid; (2) Benzoyllecgonine; (3) Specimen must also include amphetamine at a concentration greater than or equal to 200 ng/mL; (4) Laboratories must report quantitative values for morphine or codeine at 15,000ng/mL or above.

Attachment C

**Yancey County
2011-2012
Revised 10-2011**

Department of Juvenile Justice and Delinquency Prevention County Funding Allocation

Available Funds: \$ 71,308 Local Match: \$ 17,402 Rate: 20%

A Program Agreement Form for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	DJJD Funding	LOCAL FUNDING			OTHER State/ Federal	Total	% Non- DJJD Program Revenues
			Local Cash County	Local Cash Other	Local In- Kind			
1	JCPC Administrative Funds	\$1,819					\$1,819	0%
2	Juvenile Mediation	\$1,500	\$300				\$1,800	17%
3	4-H Mountain Challenge	\$24,382	\$4,876	\$3,504			\$32,762	26%
4	Project Challenge	\$25,403	\$5,081				\$30,484	17%
5	Counseling for Yancey Youth	\$10,639	\$2,128		\$2,560		\$15,327	31%
6	Crossnore School	\$7,565	\$1,513				\$9,078	17%
7							\$0	#DIV/0!
8							\$0	#DIV/0!
9							\$0	#DIV/0!
10							\$0	#DIV/0!
	TOTALS:	\$71,308	\$13,898	\$3,504	\$2,560	\$0	\$91,270	22%
	Unallocated Funds	\$0						

The above plan was derived through a planning process by the Yancey County
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2011-2012

Suzanne Cowens 10/19/11
 Chairperson, Juvenile Crime Prevention Council (Date)

[Signature] 11/1/2011
 Chairperson, Board of County Commissioners (Date)

**Toe River Health District Fee Schedule
2011-2012**

Environmental Health Fees			
CODE	DESCRIPTION	USER FEE	COMMENTS
	<u>Septic Waste Water Permitting</u>		
	Single Family Residence	\$0.30 per SQ. FT.	Heated square footage; square footage is verified before operations permit is issued.
	Commercial Buildings, Multiple Residential, Mobile Home Parks, and Business Establishments	1. 0-360 gallon flow \$720.00 2. 361-1,000 gallon flow \$2,000 3. >1,000 gallon flow \$2.00 per gallon	
	Developments (Residential) – Developments that request an improvement permit only. A site plan is required.	\$480.00 per site.	No house plan is required. This request is from a developer who needs septic approval before selling property they have no knowledge of the house location or square footage. This fee can be applied to the authorization to construct permit if there are no changes to the site plan, and it is within the 60 month time limit. If any changes are made to the site plan a new application must be submitted and a house plan is required. Square footage will be verified before the operations permit is issued.
	Existing septic tank verification	\$175.00	Refunds on turn down sites will be adjusted at 25% per visit
	Existing Sewage System Expansion	\$336.00	Refunds on turn down sites will be adjusted at 25% per visit
	Re-inspection and re-site fee: 1. When a system is not ready for evaluation when requested or improperly installed, each additional visit 2. Additional visit required when a site is not properly prepared for evaluation	1. \$100.00 2. \$100.00	Refunds on turn down sites will be adjusted at 25% per visit
	Permit changes requiring a site visit.	\$100.00	Refunds on turn down sites will be adjusted at 25% per visit

**Toe River Health District Fee Schedule
2011-2012**

Environmental Health Fees			
CODE	DESCRIPTION	USER FEE	COMMENTS
	<u>Water Samples</u>		
	Bacteria sample including inspection and consultation	\$50.00	
	Inorganic chemical sample	\$50.00	
	Petroleum/Pesticide/Volatile Compound	\$75.00	
	Water bottle for bacteria	\$5.00	
	<u>Food</u>		
	*Food Establishment Plan Review (one-time fee)	\$250.00	
	*Temporary Food Establishment Permit	\$75.00	
	<u>Swimming Pool/SPA</u>		
	Operating Permit	\$200.00	Annual fee
	Pool Plan Review	\$300.00	One-time fee
	<u>Tattoo</u>		
	Parlor Permit	\$250.00	
	Artist Permit	\$200.00	
	<u>Miscellaneous</u>		
	Bad check N.S.F. charge	\$25.00	
	Document copies	\$0.25 per page	

**Toe River Health District Fee Schedule
2011-2012**

Environmental Health Fees			
CODE	DESCRIPTION	USER FEE	COMMENTS
	<u>Well Permit</u>		
	New/Replacement Well – includes initial well site visit, grouting inspection, well head completion, inspection, and water sampling (17 parameters)	\$250.00 + cost of water sample	TRHD fee = \$250 NC State Lab fee = \$75 2011-2012 fee = \$325
	Existing Well Repair (excludes pump replacement)	\$50.00	
	Renewal of a well permit that <u>has not</u> expired	\$50.00	
	Renewal of well permit that <u>has</u> expired (5 year expiration limit)	\$250.00	
	Change of an existing well permit	\$100.00	
	Well abandonment verification visit	\$25.00	
	Site visits beyond the standard of four (includes re-siting for dry hole)	\$50.00 each visit	

*Fees established by NCGS 130A-248

Attachment E



Yancey County Committee On Aging, Inc.

10 Swiss Avenue • Burnsville, North Carolina 28714 • (828) 682-6011 • FAX (828) 682-6107

September 19, 2011

To: Yancey County Commissioners

From: Vivian Hollifield, Director

The Senior Tar Heel Legislature Alternate for our County, Ms. Gail Elkins, has resigned due to work conflicts. We have two applicants for the position, Mr. Harvey Sharpe and Mrs. Daphne Griggs.

Enclosed you will find their applications for your review and approval. Please let me know when you decide upon a replacement for Ms. Elkins.

Thank you for all you do for the citizens of Yancey County.

Vivian Hollifield
vh

Nomination Form

North Carolina Senior Tar Heel Legislature

() Delegate or (X) Alternate

Name of Nominee: HARVEY SHARPE

Mailing Address: P.O. Box 488

BURNSVILLE, NC 28714

County of Residence: YANCEY

Phone Number (including area code): 828-682-0853

Fax Number (including area code): _____

E-mail Address: mtmissionary@yahoo.com

Date of Birth: 11-25-1946

In the space below, describe nominee's experience, background, and knowledge relative to issues important to older adults:

- ① RETIRED SGT MAJOR FROM UNITED STATES MARINE CORPS
 - ELECTRONICS (8 YRS)
 - LOGISTICS (4 YRS)
 - PERSONNEL / ADMINISTRATION (9 1/2 YRS)
- ② PASTOR - 4 SEPARATE CHURCHES
 - ESTABLISHED A SENIOR ADULT MINISTRY IN ALL 4 CHURCHES
 - MINISTERED TO SPIRITUAL / EMOTIONAL NEEDS OF SENIORS FOR 30 YEARS (over)
 - HELP ESTABLISH HOSPITAL CHAPLACY AT WAYNE COUNTY HOSPITAL
- ③ MISSIONARY FOR YANCEY BAPTIST ASSOCIATION FOR 11 YEARS

Nomination Form

North Carolina Senior Tar Heel Legislature

() Delegate or () Alternate

Name of Nominee:

Daphne H. Griggs

Mailing Address:

13 Swiss Ave.

Burnsville, N.C. 28714

County of Residence:

Yancey

Phone Number (including area code):

828-682-2875

Fax Number (including area code):

E-mail Address:

daphnegriggs1@gmail.com

Date of Birth:

12/19/47

In the space below, describe nominee's experience, background, and knowledge relative to issues important to older adults:

See attached.

(over)

Submitted by: Waphne H. Hugg

9/14/11

I have been in Church all my life and a member at "West Burnsville Baptist Church for more than fifty years.

I have been in many areas of leadership in the Church through the years.

* W.M.U. - Women's Missionary Union

* Senior Adult Ministry where I was a Committee member and director for more than fifteen years. Planned meetings, programs, meals, held bible study and devotionals, planned trips, activities and projects. Made & bought door prizes for each meeting, and made or bought gifts for each and every occasion.

* Taught a Health Program for nearly five years at W.B.C., called "First Place", program was from the Heart and Diabetic foundation. The program was mainly made up of Senior Adults.

* I volunteer at the "Yancy County Senior Center". I help carrying food to the disabled, I do Bible Study, when asked to do so, I help with games, projects and activities. I enjoy making gifts or giving gifts for all occasions. I also enjoy helping in the music program of the Center. I have been volunteering at this capacity for the past four years.

* I am part of the "Golden Leaf foundation", which helps support our County and its programs.

* I have been doing "Mission work and Activities" for more than twenty years. The past ten years has been with "Fruitland Baptist Church" in Hendersonville N.C. Traveling all over the United States. Have traveled to Maryland (Baltimore), Gulfport, Miss., Carlisle, Ill., N.Y. City, Lynch, Ky, Joy Ranch, Va., and have done many in County as well as State of N.C.; such as, Caswell, Drifflon, Newborn & Kitty Hawk.

* My husband and I, belong to CMA, "Christian motorcycle Association" which witness to the motorcycle community. We also do many fund raising events and for charities and foundations, and also we help those in need in any capacity, especially the elderly with wheel chair ramps, or home improvements.

* Have been doing Campground ministry for our County Baptist Association, filling in for our Director of Missions, Harvey Sharpe, at the "Joe River Campground." Have been doing this ministry for more than two months.

* Have been a part of establishing the "Crisis pregnancy Center" in Yancey County, which covers three counties.

* We have an active part in "Prison Ministry", and helping the released to reajust to the outside world when they get out. We help them to get established in a place to live and we help them with personal needs, such as food and clothing & getting them in a Church, where they can receive God's word and guidance.

or I
 * We have always taken a leadership position in WBBC. On Committees, as teachers of different Classes and Organizations, Such as: Children, Youth, R.A.'s "Royal Ambassadors for Christ", a mission group, Choir, Bible School, G.P.'s girls in Action.

* My husband and I have taken in numerous children into our home to care for (without regard to any income involved by doing so.) we did it out of the love of our hearts.

* I was a caregiver for my Daddy for three years prior to his death. I left my home and moved in with him, along with my husband, and took care of his every need.

* I was owner and operator of a Beauty Salon for more than 35 years, and the majority of my customers were senior adult age women, who got their hair done each week and I enjoyed visiting with each and everyone of them.

* I also enjoy visiting retirement homes, nursing homes and rest homes. Those people there can be such a blessing to you as you try to bless them.

Attachment F



YANCEY COUNTY
2012 Holiday Schedule

Holiday	Observance Date	Day of Week
New Year's Day	January 2, 2012	Monday
Martin Luther King Birthday	January 16, 2012	Monday
Good Friday	April 6, 2012	Friday
Memorial Day	May 28, 2012	Monday
Independence Day	July 4, 2012	Wednesday
Mt. Mitchell Craft's Fair	August 3, 2012	Friday
Labor Day	September 3, 2012	Monday
Veterans Day	November 12, 2012	Monday
Thanksgiving Day	November 22 & 23 2012	Thursday & Friday
Christmas	December 24,25,26, 2012	Monday, Tuesday & Wednesday