

Bob Dixon
Presiding Commissioner

Harold Bengsch
1st District Commissioner

John C. Russell
2nd District Commissioner



Shane Schoeller
Clerk of the Commission

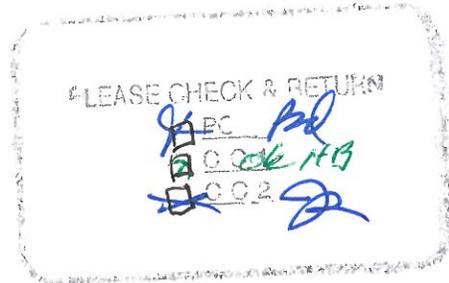
Christopher J. Coulter, AICP
County Administrator

Megan Applegate
Executive Assistant

COUNTY COMMISSION
Greene County, Missouri
(417) 868-4112

Greene County Commission
Commission Briefing Minutes

Tuesday, December 10, 2019
08:45 AM
Historic Courthouse
Room 212
940 N Boonville



Attendees: Bob Dixon, Harold Bengsch, John Russell, Chris Coulter, Megan Applegate, Mailyn Jeffries, Amanda Corcoran, Kami Johnson, Cindy Stein, Crystal Richards, Adam Humphries, Tina Phillips and Jason Wert.

Informational Items

Chris Coulter: reminded the Commission that on Thursday they will be presented with the official order to appoint the Greene county medical examiner.

Items for Consideration and Action by the Commission

Policy Manual Update–Workers’ Compensation, Human Resources Commissioner John Russell moved to approve the policy manual update for workers compensation with a slight clerical adjustment. Commissioner Harold Bengsch second the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none Abstain: none Absent: none.

(EX1) Policy Manual Update–Drug Free Workplace, Human Resources Commissioner John Russell moved to table the update until the Commission has had an opportunity to read in detail the changes. Commissioner Harold Bengsch seconded the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none Abstain: none Absent: none.

(EX1) Alcohol & Controlled Substance Testing Procedures for Authorized Drivers & Safety-Sensitive Positions, Human Resources Commissioner John Russell moved to table the update until the Commission has had an opportunity to read in detail the changes. Commissioner Harold Bengsch seconded the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none Abstain: none Absent: none.

(EX1) Alcohol & Controlled Substance Testing Procedures for DOT Regulated Positions, Human Resources Commissioner John Russell moved to table the update until the Commission has had an opportunity to read in detail the changes. Commissioner Harold Bengsch seconded the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none Abstain: none Absent: none.

(EX2) Box Culvert Replacement Project, Highway Commissioner Harold Bengsch moved to approve the box culvert replacement project at farm road 48 and farm road 43. Commissioner Russell seconded the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none Abstain: none Absent: none.

(EX3) Blue Print Grant, Sheriff's Office

Commissioner Harold Bengsch moved to approve the blue print grant as presented. Commissioner John Russell seconded the motion and it passed unanimously. Yes: Dixon, Bengsch, Russell. No: none
Abstain: none Absent: none.

Other:

With no other business the meeting was adjourned.

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Greene County Commission
Commission Briefing Agenda

Tuesday, December 10, 2019

08:45 AM
Historic Courthouse
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Informational Items

Budget
HR
Chris Coulter
Donna Barton

Items for Consideration and Action by the Commission

Policy Manual Update–Workers’ Compensation, Human Resources

Policy Manual Update–Drug Free Workplace, Human Resources

Alcohol & Controlled Substance Testing Procedures for Authorized Drivers & Safety-Sensitive Positions,
Human Resources

Alcohol & Controlled Substance Testing Procedures for DOT Regulated Positions, Human Resources

Box Culvert Replacement Project, Highway

Blue Print Grant, Sheriff’s Office

Purchasing Manual Update, Purchasing

Order for Public Surplus, Purchasing

Other:

ex1

Section 15 – 16: Drug Free Workplace Act

The Drug Free Workplace Act requires recipients of federal grants to maintain policies prohibiting the possession and distribution of a controlled substance. Therefore, it is the policy of Greene County to create a safe and drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act. The provisions of this policy will apply to all county employees and to all applicants for county positions.

A. Statement of Policy.

While on county premises and while conducting business-related activities off the county premises, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance or alcohol is strictly prohibited. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

B. Consequences of Violation of the Policy.

Violations of this policy will lead to severe disciplinary action, up to and including immediate termination of employment and or required participation in a substance abuse rehabilitation or treatment program at the employee's expense. Such violations may also have legal consequences.

C. Notification of Employees.

In accordance with the provisions of the Drug-Free Workplace Act, every employee who is engaged in the performance of any work connected with a federal grant will be given a copy of this policy and will, as a condition of employment:

1. Abide by the terms of the Substance Abuse Policy;
2. Notify Greene County of a criminal conviction of controlled substance-related violation in the workplace, including pleas of nolo contendere (i.e., no contest), within five days of such conviction or plea. Greene County will notify the federal agency through which a grant is administered within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

D. Drug-Free Awareness Program.

Employees will periodically receive information to educate employees about the dangers and effects of substance abuse; the county's policy of maintaining a drug-free workplace; the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace; and rehabilitation resources available to employees.

E. Health Insurance Benefits for Chemical Dependency.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take available sick and/or unpaid leave to participate in a rehabilitation or treatment program. The county's health insurance program provides benefits for treatment of chemical dependency, including alcoholism, as part of the overall medical benefits program for eligible full-time employees. For further information please contact the Human Resources Department.

F. Alcohol and Controlled Substance Testing.

Employees whose jobs are classified as safety-sensitive are subject to alcohol and controlled substance testing. Employees in these positions will be provided a copy of the applicable alcohol and controlled substance testing policy and will be required to sign an acknowledgment of receipt of the policy.

1. DOT Drivers - Highway Department.

Employees whose jobs are classified as safety-sensitive and/or require a Class A or B Commercial Driver's License (CDL) to operate commercial motor vehicles are subject to the Alcohol and Controlled Substance Testing Policy Applicable to Department of Transportation Covered Positions detailed in Appendix B of this manual or the Highway Department Collective Bargaining Agreement.

2. Non-DOT Employees and Safety-Sensitive Positions

Authorized drivers of county vehicles and/or employees, who are required to perform safety sensitive functions as part of their position, will be subject to the provisions of the Alcohol and Controlled Substance Testing Policy. Applicable to Non-DOT drivers and safety sensitive positions. Refer to Appendix A.

3. Sheriff's Office.

Sheriff's Office employees are subject to the alcohol and controlled substance testing provisions of the Greene County Sheriff's Office Drug Free Workplace Policy and Procedure. (Refer to Sheriff's Office Policy and Procedure Manual)

4. Juvenile Services.

Juvenile Services employees, whose job duties require performing safety-sensitive functions including direct contact with and/or temporary custody of juveniles as part of their job duties and/or operating county-owned vehicles are subject to the Juvenile Services Alcohol and Controlled Substance Testing Policy. (Refer to Juvenile Department Supplement Appendix.)

5. Prosecuting Attorney's Office.

Prosecuting Attorney's Office investigators licensed by the Peace Officer Standards and Training Commission (POST) are subject to the alcohol and controlled substance testing provisions of the Greene County Sheriff's Office Drug Free Workplace Policy and Procedure. (Refer to Sheriff's Office Policy and Procedure Manual)

I. PURPOSE

The purpose of this policy is to provide safe, dependable and quality services to the citizens of Greene County, to provide safe working conditions for its employees, and to comply with the requirements of federal law. It is the purpose of this policy to ensure that its employees are not impaired in their abilities to perform assigned duties in a safe, productive and healthy manner; to create a work environment free from the adverse effect of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties. Greene County has implemented a controlled substances and alcohol testing policy for authorized drivers of county-owned vehicles and/or employees who perform safety-sensitive functions as part of their job.

II. APPLICABILITY

Employees who are Non-DOT authorized drivers or perform safety-sensitive functions in the following departments are subject to the provisions of this policy. Elected Officials may determine which types of tests listed in section V are applicable to their employees:

- a) All Greene County Commission Departments
- b) Assessor
- c) Collector's Office
- d) Highway (*Non-DOT employees*)
- e) Prosecuting Attorney
- f) Public Administrator
- g) *Sheriff's Office
- h) Treasurer's Office

**Refer to Greene County Sheriff's Office drug and alcohol testing policies for additional instructions*

III. DEFINITIONS

1. **"Alcohol"** - refers to the intoxicating agent in beverage alcohol, ethyl alcohol or other alcohols including methyl and isopropyl alcohol.
2. **"Alcohol Concentration"** - is the alcohol in volume of breath in terms of grams of alcohol in 210 liters of breath as indicated by an evidential breath test as described in this policy.
3. **"Alcohol Use"** - refers to the consumption of any beverage, mixture or preparation, including medication, which contains alcohol.
4. **"Adulterated Sample"** – a urine specimen that contains substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration level so high that it is not consistent with human urine. Any specimen determined to be an adulterated sample will be treated as a positive controlled substance test.
5. **"Authorized Driver"** – an employee who is authorized to drive a county-owned vehicle and/or an employee required to maintain a valid motor vehicle license for their position.
6. **"Breath Alcohol Technician or BAT"** - an individual who instructs and assists persons in the alcohol testing process and operates an EBT.

Appendix A: Authorized Drivers (Non-DOT) and Safety Sensitive Positions
Alcohol and Controlled Substances Testing Policy

7. **"Confirmation Test"** - (1) For alcohol, means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative results of alcohol concentration; (2) For controlled substances, this means a second analytical procedure to verify the presence of a specific drug. Gas Chromatography/mass spectrometry is the authorized method for controlled substances, as defined in this policy.
8. **"Collection Site Person"** - a person who instructs and assists individuals at the collection site and who receives/renders an initial exam of urine specimens. This could be a direct observation, Greene County will comply with 49CFR subtitle A 40.67.
9. **"Controlled substances"** - are those listed as such by the federal government but which are not being used for prescribed purposes or in a prescribed manner. This includes, but is not limited to, prescribed drugs being used by, or in the possession of, someone other than the person to whom they were lawfully prescribed.
10. **"Illegal drugs"** - (1) drugs and controlled substances the possession or use of which are unlawful pursuant to any federal, state, county, or local laws and regulations governing drugs and controlled substances that are not legally obtainable, (2) drugs and controlled substances which are legally obtainable but which have not been legally obtained, and (3) controlled substances that were legally obtained but which are being abused. Examples include, but are not limited to, street drugs such as cocaine, heroin, and marijuana, and controlled substances such as amphetamine, methamphetamine, and barbiturates.
11. **"Medical Review Officer (MRO)"** - a licensed doctor of medicine or osteopathy with a knowledge of drug abuse disorders who is employed or used by the county to conduct drug testing in accordance with Federal law; responsible for receiving laboratory results generated by the county's drug testing program who has been medically trained to interpret and any other relevant biomedical information.
12. **"On Duty"** - includes all working hours, as well as meal periods and break periods, regardless of whether on premises.
13. **"Reasonable Suspicion"** - is the belief that an employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors, or employee admission.
14. **"Rehabilitation"** – employees are allowed a one-time rehabilitation option during their employment at Greene County. Employees must invoke their one-time option prior to being selected for a drug screening. The rehabilitation option does not apply to reasonable suspicion or post-accident testing for alcohol or controlled substances. Employees who elect to utilize this option will be required to submit a Fit for Duty evaluation and follow up testing as outlined in this policy.
15. **"Refusal to Submit"** - refers to refusal to submit to an alcohol or controlled substance test and means that a driver: (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she had received notice of the requirement for urine testing; (3) Engages in conduct that clearly obstructs the testing process.
16. **"Safety-Sensitive"** - a position that requires utilization of power tools or works around motorized equipment, carries a firearm, performs security functions, works in the correctional field, provides

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guardianship or conservatorship for incapacitated or disabled individuals, or inspects, services or conditions a vehicle, motorized equipment, or electrical systems.

17. **"Substance Abuse Professional or SAP"** - refers to a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

IV. CONDUCT PROHIBITED BY THIS POLICY

1. ALCOHOL

- a) No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall allow an employee to perform driving functions.
- b) No employee shall perform driving functions for business purposes within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform a driving function.
- c) No employee shall possess any quantity of alcohol while on duty or while performing a driving function. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken. No supervisor having actual knowledge of the possession of alcohol may permit an employee to drive or continue to drive a motor vehicle.
- d) No employee shall use alcohol while performing a driving function.
- e) When involved in a work-related accident, the employee may be subject to a post-accident alcohol test, the employer shall not use alcohol within eight hours of the accident or prior to submitting to a post-accident test, whichever comes first. If a test is required it must be conducted as soon as possible.
- f) Any employee convicted of illegal conduct related to alcohol or who fails to report such a conviction to their supervisor shall be subject to disciplinary action, up to and including termination of employment.

2. CONTROLLED SUBSTANCES

1. No employee shall report for duty or remain on duty when using a controlled substance, except when the use is pursuant to the instruction of a physician who has advised the employee that the substance does not adversely affect the user's ability to safely complete job duties or operate a motor vehicle. The physician needs to put into writing that the prescribed medication will have no adverse action to the safety functions of the employee. The employee must submit a copy of this letter to their supervisor. No supervisor having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform driving functions.
2. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances. No supervisor who has actual knowledge that an employee has tested positive for

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controlled substances shall permit the employee to perform or continue to perform safety-sensitive or driving functions.

3. Any employee who is using over the counter medication with a warning label indicating it might alter their ability to drive or do safety sensitive duties must notify their supervisor prior to engaging in any work related activity.
4. Any employee convicted of illegal conduct related to controlled substances or who fails to report such a conviction to their supervisor shall be subject to disciplinary action, up to and including termination of employment.
5. When involved in an accident, the employee may be subject to a post-accident drug test. If a test is required it must be conducted as soon as possible.

No employee shall refuse an alcohol or controlled substances test as required by this policy. An employee who refuses to submit to testing will be subject to disciplinary action, up to and including, termination of employment.

V. CONTROLLED SUBSTANCE AND ALCOHOL TESTING

Greene County shall provide, for all positions covered by this policy, the tests listed below. Specimens subject to testing may include urine, breath, hair, oral fluids, or blood. Claimed use of CBD oil, hemp products, or any other substance derived from a prohibited narcotic does not constitute an excuse for a failed drug screen.

- (1) Pre-employment
- (2) Random testing
- (3) Reasonable suspicion testing
- (4) Post-accident testing
- (5) Return-to-duty
- (6) Follow-up testing

1. PRE-EMPLOYMENT TESTING (Controlled Substance Testing Only)

Any employee receiving a contingent offer of employee to perform safety-sensitive functions or drive as part of their position will be tested for controlled substances prior to performing job-related functions for the county. These prospective employees will be notified that a urine sample will be tested for controlled substance.

Greene County will not allow a prospective employee to perform a driving or safety-sensitive function unless the results of the controlled substances test is negative, and verified by the MRO.

Any person who refuses to submit to a controlled substance test, or who tests positive for controlled substances will not be offered employment with the county.

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Alcohol and Controlled Substances Testing Policy

2. REASONABLE SUSPICION TESTING

Reasonable suspicion testing applies to all Greene County employees regardless of their status or position. Reasonable suspicion testing shall be used to determine a fitness for duty evaluation, including appropriate urine and/or breath testing.

- a) Conduct by employee constituting reasonable suspicion for alcohol or controlled substances must be witnessed by a supervisor or another employee. The supervisor or an employee who has reasonable suspicion of violation of this policy by an employee shall report the matter to their officeholder or department administrator. Failure to do so shall subject the supervisor or the trained employee who has actual knowledge of the violation to disciplinary action, up to and including termination. This observation must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee or based on employee admission. Refer to the "Fit for Duty" evaluation form for the outline of steps and procedures for suspicion observations. If at all possible, a second supervisory employee or co-worker should witness and confirm any observed deterioration in the employee's performance or behavior.
- b) Reasonable suspicion testing for alcohol or controlled substances is authorized for all employees while on-duty. A reasonable suspicion test for alcohol or controlled substance must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons for the delay must be done. If the test is not done within eight hours following the notification, the county shall cease its attempts and state in the record the reason for not administering the test.
- c) A written record shall be made documenting the employees conduct with respect to reasonable suspicion and signed by the supervisor who observed the behavior within 24 hours of the observation or before the results of the alcohol test are released, whichever is earlier.

3. RANDOM TESTING

- a) Random tests for alcohol will be conducted and shall equal or exceed 10% annually of the persons to whom this policy applies as set forth in Section II - Applicability hereof. Random tests for controlled substances will be conducted and shall equal or exceed 50% annually of the persons to whom this policy applies as set forth in Section II - Applicability hereof.
- b) The selection of employees for random alcohol or controlled substances testing shall be conducted by a scientifically valid method and each employee shall have an equal chance of being tested each time selections are made.
- c) Random testing under this section shall be unannounced and the dates for such testing shall be spread reasonably throughout the calendar year.
- d) After an employee is selected for a test, they must proceed immediately to the testing site.

4. POST-ACCIDENT TESTING

Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit an employee from obtaining necessary emergency medical care.

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- a) A surviving employee shall provide a breath sample to be tested for the use of alcohol or urine sample to be tested for controlled substances as soon as possible following an accident involving a fatality or injury.
- b) The alcohol test must take place within two hours and a controlled substances test must take place within 32 hours of the accident. If the alcohol test is not accomplished within two hours, a written record shall be made stating the reason. If the test is not conducted within eight hours following the accident, the county shall cease its attempts, and make a written record of the reasons the test was not administered. The record shall be retained pursuant to Article IX hereof and shall not be released or open to inspection without the review and authorization of the County Counselor.
- c) An employee who is injured and cannot provide a breath or urine specimen at the time of the accident shall provide the necessary authorization for obtaining medical reports and other documents which indicate whether there was any alcohol in his/her system at the time of the accident.
- d) An employee who is subject to post accident testing shall remain readily available for testing but may leave the scene to obtain needed medical services. Refusal to submit to post accident testing will result in disciplinary action, up to and including, termination of employment.
- e) An employee subject to testing must refrain from alcohol use for eight hours after an accident, or until after the alcohol test, whichever comes first.

5. RETURN-TO-DUTY

Before an employee returns to duty after engaging in prohibited conduct regarding alcohol misuse, the employee will be required to take an alcohol test. To return to duty, an employee must have a breath alcohol of under 0.02. Before an employee returns to duty after engaging in prohibited conduct regarding controlled substance use, the employee will be tested for controlled substances. To return to duty, an employee must have a negative test for controlled substances.

6. FOLLOW-UP AFTER REHABILITATION:

Any employee who invokes their one-time option for rehabilitation is subject to unannounced follow-up alcohol or controlled substances testing. The number and frequency of the tests shall be determined by a substance abuse professional (SAP) following the employee's return-to-duty. The duration of the follow up testing and frequency of such testing shall be at the discretion of the office holder or department head after review of the SAP's evaluation. A positive follow-up test for alcohol or controlled substances may result in termination of employment.

VI. CONSEQUENCES OF SUBSTANCE MISUSE OR ABUSE

Greene County has zero tolerance for alcohol or controlled substances misuse or abuse. An employee that tests positive for an alcohol concentration of 0.02 or greater or tests positive for a controlled substance may receive disciplinary action up to and including termination.

An employee must request their one time rehabilitation option prior to being selected for a drug or alcohol screen.

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Federal regulations require breath testing to be conducted on approved devices. An employee who tests with a blood alcohol concentration of 0.02 or greater must conduct a second confirmation test. After a second confirmation test reveals an alcohol concentration of 0.02 or greater it is considered a positive test and will be subject to discipline, up to and including termination.

If an elected official or department head approves discipline, the first-time offender who tests positive for an alcohol concentration of 0.02 or greater or tests positive for a controlled substance will be suspended for at least 30 days without pay. The employee will not be eligible for sick leave or vacation leave during the suspension.

During the suspension, the employee will be referred to a substance abuse professional, who can determine what action is needed to assist the employee in resolving their problem of alcohol or controlled substance use. The cost of rehabilitation will be the responsibility of the employee. However, a portion of the medical expenses may be covered by the county group medical insurance plan. An employee's refusal to seek treatment will result in immediate termination of employment.

At the end of the suspension and before returning to work, the employee will not perform driving or safety-sensitive functions unless the employee has:

1. Been advised of the resources available for evaluating and treating alcohol and/or controlled substance abuse;
2. Been evaluated by a substance abuse professional to determine what rehabilitation, if any, is required by the employee and a determination that the employee has successfully complied with any required rehabilitation; and taken a return-to-duty test with either a negative test result for substance abuse or a result of less than 0.02 for alcohol concentration, as applicable. A return-to-duty test that is positive for a controlled substance or greater than 0.02 for alcohol, as applicable, will result in termination of employment with the county.

If at any time an employee tests positive a second time, the employee will be terminated immediately from employment with the county.

VII. TESTING PROCEDURES

A Medical Review Officer (MRO) shall be designated by the Greene County Commission to perform the designated functions under this policy. Greene County shall engage the services of an independent MRO who is properly credentialed and trained in compliance with federal regulations, and who shall not be an employee of Greene County. The MRO shall provide the required reports necessary for Greene County to comply with the federal reporting requirements. All testing shall be performed in accordance with the accepted scientific standards. Due care shall be taken by the MRO to respect the dignity and privacy of individuals required to give sample tests

1. CONTROLLED SUBSTANCES: SAMPLE COLLECTION AND TESTING REQUIREMENTS

- a. The MRO shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The MRO will review the controlled substance testing results prior to transmission of the results to the county.
- b. A urine sample will be used for all controlled substance tests provided for herein. An employee whose urine sample has tested positive can have it retested per this policy.
- c. An employee who questions the results of a required urine test under this policy may request that an additional test be conducted. The test must be conducted on the same original sample collected.

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The test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for testing that is requested by the employee shall be paid by the employee. An employee's request for a re-test must be made in writing to the Medical Review Officer (MRO) within seventy-two (72) hours of the initial test result. Requests made by the employee after the seventy-two hour (72) hour limit will only be accepted if the delay was due to documented circumstances that were beyond the control of the employee.

1. ALCOHOL: SAMPLE COLLECTION AND TESTING REQUIREMENTS

- a) A breath sample will be used for alcohol tests required and provided herein.
- b) All "Breath Alcohol Technicians (BAT's)" will be trained in proficient operation of the EBT and alcohol testing procedures.
- c) Greene County (or its third party vendor) will conduct alcohol testing in a location that allows visual and actual privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.
- d) No unauthorized persons will be permitted access to the testing location when the EBT remains unsecured or in order to prevent such persons from seeing or hearing a test result, at any time when testing is being conducted.

2. SPECIMEN COLLECTION

- a) A collection site will be designated by Greene County.
- b) Security measures will be taken to prevent unauthorized access which could compromise the integrity of the collection process of the specimen.
- c) The chain of custody of the urine sample will be carefully documented.
- d) Special precautions will be taken to assure that access to urine specimens is restricted to authorized personnel.
- e) Procedures for collecting urine specimens will allow individual privacy, except under circumstances indicating that a particular individual may alter or substitute the specimen.
- f) Rules designed to preserve the integrity and identity of urine specimens will be carefully followed.
- g) Controlled collections and transportation of collections to the laboratory will be handled by the county or its third party vendor.

VIII. REPORTING AND REVIEW OF RESULTS BY THE MEDICAL REVIEW OFFICER

1. The drugs to be tested under this policy include but are not limited to: Marijuana (THC metabolite), Cocaine, Amphetamines, Opiates (including heroin) and Phencyclidine (PCP). The testing shall occur in two to three steps. The initial test shall be a screen test and for positive screen tests a confirmation test shall be conducted. The positive results shall be reviewed by the Medical Review Officer (MRO) to evaluate the results and rule out any false positives.
2. Prior to final verification of positive test results, the MRO will give the employee an opportunity to discuss the test results. During this conversation, an employee can ask to have their initial sample

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Alcohol and Controlled Substances Testing Policy

re-tested. The re-test would be an additional cost to the employee. This request cannot just be a verbal one to the MRO. It MUST be in writing to the MRO within 72 hours of notification.

3. The MRO shall immediately, upon the completion of the controlled substance testing of an employee, report to Greene County the results of the test. The MRO shall issue to the county a report that is in writing and signed by the MRO attesting to the following:
 - a) The controlled substance test being reported is conducted in compliance with this policy.
 - b) The name of the individual for whom the test results are being reported.
 - c) The type of test indicated on the custody and control form.
 - d) The date and location of the test collection.
 - e) The identities of the person or entities performing the collection, analysis of the specimens, and serving as medical review officer for the specific test.
 - f) The verified results of the controlled substance(s) for which the test was verified positive.
4. The MRO shall report to Greene County that the officer has made all reasonable efforts to contact the employee, but the employee has failed to show for the administration of the test. Upon receipt of this information Greene County shall dispatch the employee to the MRO immediately or within twenty-four hours, whichever is earlier. An employee's refusal to submit to the test shall result in disciplinary action, up to and including termination of employment.
5. The MRO shall maintain all dated records and notification, identified by individual if it pertains with the procedures established in 49 CFR Part 40.
6. The MRO shall maintain all dated records and notification, identified by individual, for a minimum of one (1) year for negative and concealed controlled substance test results.
7. The county's contract with laboratories and the MRO will require the laboratory and the MRO to maintain all employees test records in confidence.
8. Any employee who is the subject of a drug or alcohol test shall, upon written request, have access to any records relating to his or her drug or alcohol test and any records relating to testing results.

IX. RECORD RETENTION AND CONFIDENTIALITY

1. All records pertaining to alcohol and controlled substance testing required by this policy shall be maintained in a secure location with controlled access, separate from personnel records. The records shall be maintained in accordance with the State of Missouri retention schedule.
2. Except as provided in another provision herein, an employee, upon written request, shall receive copies of any records pertaining to the tests for alcohol and/or controlled substances required herein. The county shall have an approved form for the employee to request records.
3. An employee may authorize the release of confidential information required to be maintained in this policy to a third party or subsequent employer upon written consent of the employee on a form provided for release of information to a third party.
4. The confidential records maintained pursuant to this policy may be released to a court of law, administrative agency or decision maker considering discipline or the right of the employee to a benefit or privilege, or any other proceeding initiated by the employee or initiated in the employee's

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behalf, and involving the results of the alcohol/controlled substance tests required by this policy. The county may release records required to be maintained herein upon a proper request to a party in a Workers' Compensation, Unemployment Compensation, or any other case relating to a benefit sought by the employee.

X. GENERAL

1. A copy of this policy shall be distributed to all Greene County employees covered by this policy before testing commences. Any employee who is transferred into a position covered by this policy after the required testing herein commences, shall be given the policy before they commence any driving function. The original will be maintained in the employee's personnel file.
2. This policy is not intended to limit Greene County's right to further discipline, up to and including discharge, an employee for improper or illegal conduct engaged in while under the influence of prohibited drugs and alcohol.
3. This policy does not constitute a contract for employment, nor does it constitute a guarantee of employment for any particular time period or duration. This policy may be amended or supplemented by Greene County at any time in the sole discretion of management.

Statement of Recognition

I hereby certify that I have read the Alcohol and Controlled Substance Testing Policy and fully understand the terms thereof.

I further agree to comply with the procedures and requirements set forth in the policy.

I acknowledge that I understand the penalties for non-compliance with this policy and procedure.

Print Name

Department

.....

Signature

Date

.....

I. PURPOSE

The purpose of this policy is to provide safe, dependable and quality services to the citizens of Greene County, to provide safe working conditions for its employees, and to comply with the requirements of federal law. This policy will follow the Department of Transportation Regulation pursuant to the Omnibus Transportation Employee Testing Act of 1991. It is the purpose of this policy to ensure that its employees are not impaired in their abilities to perform assigned duties in a safe, productive and healthy manner; to create a work environment free from the adverse effect of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties. Greene County has implemented a controlled substances and alcohol testing policy for employees required to maintain a commercial driver's license (CDL) or perform Department of Transportation safety-sensitive functions.

II. DEFINITIONS

1. **"Alcohol"** - refers to the intoxicating agent in beverage alcohol, ethyl alcohol or other alcohols including methyl and isopropyl alcohol.
2. **"Alcohol Concentration"** - is the alcohol in volume of breath in terms of grams of alcohol in 210 liters of breath as indicated by an evidential breath test as described in this policy.
3. **"Alcohol Use"** - refers to the consumption of any beverage, mixture or preparation, including medication, which contains alcohol.
4. **"Adulterated Sample"** – a urine specimen that contains substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration level so high that it is not consistent with human urine. Any specimen determined to be an adulterated sample will be treated as a positive controlled substance test.
5. **"Breath Alcohol Technician or BAT"** - an individual who instructs and assists persons in the alcohol testing process and operates an EBT.
6. **"Confirmation Test"** - (1) For alcohol, means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative results of alcohol concentration; (2) For controlled substances, this means a second analytical procedure to verify the presence of a specific drug.
7. **"Chromatography/mass spectrometry"** - is the authorized method for controlled substances, as defined in this policy.
8. **"Collection Site Person"** - a person who instructs and assists individuals at the collection site and who receives/renders an initial exam of urine specimens. This could be a direct observation, Greene County will comply with 49CFR subtitle A 40.67.
9. **"Controlled Substances"** – are those listed as such by the federal government but which are not being used for prescribed purposes or in a prescribed manner. This includes, but is not limited to, prescribed drugs being used by, or in the possession of, someone other than the person to whom they were lawfully prescribed.

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

10. **"Driver"**: An employee required to maintain a valid motor vehicle license for their position.
11. **"Illegal drugs"** - (1) drugs and controlled substances the possession or use of which are unlawful pursuant to any federal, state, county, or local laws and regulations governing drugs and controlled substances that are not legally obtainable, (2) drugs and controlled substances which are legally obtainable but which have not been legally obtained, and (3) controlled substances that were legally obtained but which are being abused. Examples include, but are not limited to, street drugs such as cocaine, heroin, and marijuana, and controlled substances such as amphetamine, methamphetamine, and barbiturates.
12. **"Medical Review Officer (MRO)"** - a licensed doctor of medicine or osteopathy with a knowledge of drug abuse disorders who is employed or used by the county to conduct drug testing in accordance with Federal law; responsible for receiving laboratory results generated by the county's drug testing program who has been medically trained to interpret and any other relevant biomedical information.
13. **"On Duty"** - includes all working hours, as well as meal periods and break periods, regardless of whether on premises.
14. **"Reasonable Suspicion"** - is the belief that a driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, or employee admission.
15. **"Rehabilitation"** – employees are allowed a one-time rehabilitation option during their employment at Greene County. Employees must invoke their one-time option prior to being selected for a drug screening. The rehabilitation option does not apply to reasonable suspicion or post- accident testing for alcohol or controlled substances. Employees who elect to utilize this option will be required to submit a Fit for Duty evaluation and follow up testing as outlined in this policy.
16. **"Refusal to Submit"** - refers to refusal to submit to an alcohol or controlled substance test and means that a driver: Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she had received notice of the requirement for urine testing; (3) Engages in conduct that clearly obstructs the testing process.
17. **"DOT/Safety Sensitive Positions"** - those positions (paid or unpaid) whose requirements and activities are defined in the Omnibus Transportation Employee Testing Act of 1991, and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle. Greene County requires compliance with CDL licensure and alcohol and controlled substance testing regardless of the location where the equipment is being operated.
18. **"Safety Sensitive Function"** – means any of the 'on-duty' functions described in section 396.2 of the Federal Motor Carrier Safety Administration regulations and described below: (1) all time at any facility owned or otherwise, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier; (2) all time inspecting equipment as required by the regulations; (3) all driving time as defined by the regulations; (4) all time, other than driving, in any commercial motor vehicle except time spent resting in a sleeper berth; (5) all time loading or unloading a vehicle, supervising, or assisting in the process; (6) all time spent performing the requirements specified in sections 392.40 and 392.41 of the Federal Motor Carrier Safety Administration regulations relating to accidents; (7) all time repairing, obtaining assistance or remaining in attendance of a disabled vehicle; (8) all time spent providing a breath or urine specimen, including travel time to and from collection site, in order to comply with the random, reasonable suspicion, post-accident or follow up testing required by this policy; (9) performing any other work in the capacity of, or in the employ or service of, a common, contract or private carrier; (10) performing any compensated work for any non-motor carrier entity.

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

19. **"Substance Abuse Professional or SAP"** - refers to a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

IV. CONDUCT PROHIBITED BY THIS POLICY

1. ALCOHOL

- a) No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall allow an employee to perform driving or safety sensitive related functions.
- b) No employee shall perform driving functions for business purposes within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform a driving or safety sensitive related function.
- c) No employee shall possess any quantity of alcohol while on duty or while performing a driving function. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken. No supervisor having actual knowledge of the possession of alcohol may permit an employee to drive or continue to drive a motor vehicle or perform safety sensitive related functions.
- d) No employee shall use alcohol while on duty or on the premises.
- e) When involved in a work-related accident, the employee may be subject to a post-accident alcohol test, the employer shall not use alcohol within eight hours of the accident or prior to submitting to a post-accident test, whichever comes first. If a test is required it must be conducted as soon as possible.
- f) Any employee convicted of illegal conduct related to alcohol or who fails to report such a conviction to their supervisor shall be subject to disciplinary action, up to and including termination of employment.

2. CONTROLLED SUBSTANCES

1. No employee shall report for duty or remain on duty when using a controlled substance, except when the use is pursuant to the instruction of a physician who has advised the employee that the substance does not adversely affect the user's ability to safely complete job duties or operate a motor vehicle. The physician needs to put into writing that the prescribed medication will have no adverse action to the safety functions of the employee. The employee must submit a copy of this letter to their supervisor. No supervisor having actual knowledge that a driver has used a controlled substance shall permit the employee to perform or continue to perform driving or safety sensitive functions.
2. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances. No supervisor who has actual knowledge that an employee has tested positive for controlled substances shall permit the employee to perform or continue to perform safety-sensitive or driving functions.

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

3. Any employee who is using over the counter medication with a warning label indicating it might alter their ability to drive or do safety sensitive duties must notify their supervisor prior to engaging in any work related activity. Failure to disclose this information may result in disciplinary action, up to and including termination.
4. Any employee convicted of illegal conduct related to controlled substances or who fails to report such a conviction to their supervisor shall be subject to disciplinary action, up to and including termination of employment.
5. When involved in an accident, the employee may be subject to a post-accident drug test. If a test is required it must be conducted as soon as possible.

No employee shall refuse an alcohol or controlled substances test as required by this policy. An employee who refuses to submit to testing will be subject to disciplinary action, up to and including, termination of employment.

V. CONTROLLED SUBSTANCE AND ALCOHOL TESTING

Greene County shall provide, for all positions covered by this policy, the tests listed below. Specimens subject to testing may include urine or breath. Claimed use of CBD oil, hemp products, or any other substance derived from a prohibited narcotic does not constitute an excuse for a failed drug screen.

- (1) Pre-employment
- (2) Random testing
- (3) Reasonable suspicion testing
- (4) Post-accident testing
- (5) Return-to-duty
- (6) Follow-up testing

1. PRE-EMPLOYMENT TESTING (Controlled Substance Testing Only)

Any employee receiving a contingent offer of employee to perform safety-sensitive functions or drive as part of their position will be tested for controlled substances prior to performing job-related functions for the county. These prospective employees will be notified that a urine sample will be tested for controlled substances.

Greene County will not allow a prospective employee to perform a driving or safety-sensitive function unless the results of the controlled substances test is negative, and verified by the MRO.

Any person who refuses to submit to a controlled substance test, or who tests positive for controlled substances will not be offered employment with the county.

2. REASONABLE SUSPICION TESTING

Reasonable suspicion testing applies to all Greene County employees regardless of their status or position. Reasonable suspicion testing shall be used to determine a fitness for duty evaluation, including appropriate urine and/or breath testing.

- a) Admission or conduct by an employee constituting reasonable suspicion for alcohol or controlled substances must be witnessed by a supervisor or another employee. The supervisor or an employee who has reasonable suspicion of violation of this policy by an employee shall report the matter to their officeholder or department administrator. Failure to do so shall subject the supervisor or the employee who has actual knowledge of the violation to disciplinary action, up to and including termination. This observation must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee or based on employee admission. Refer to the "Fit for Duty" evaluation form for the outline of steps and procedures for suspicion observations. If at all possible, a second supervisory employee or co-worker should witness and confirm any observed deterioration in the employee's performance or behavior.
- b) Reasonable suspicion testing for alcohol or controlled substances is authorized for all employees while on-duty. A reasonable suspicion test for alcohol or controlled substance must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons for the delay must be done. If the test is not done within eight hours following the notification, the county must state in the record the reason for not administering the test.
- c) A written record shall be made documenting the employees conduct with respect to reasonable suspicion and signed by the supervisor who observed the behavior within 24 hours of the observation or before the results of the alcohol test are released, whichever is earlier.

3. RANDOM TESTING

- a) Random tests for alcohol will be conducted and shall equal or exceed 10% annually of the persons to whom this policy applies as set forth in Section II – Applicability of the Federal Motor Carrier Safety Administration guidelines.. Random tests for controlled substances will be conducted and shall equal or exceed 50% annually of the persons to whom this policy applies as set forth in Section II - Applicability of the Federal Motor Carrier Safety Administration guidelines..
- b) The selection of employees for random alcohol or controlled substances testing shall be conducted by a scientifically valid method and each employee shall have an equal chance of being tested each time selections are made.
- c) Random testing under this section shall be unannounced and the dates for such testing shall be spread reasonably throughout the calendar year.
- d) After an employee is selected for a test, they must proceed immediately to the testing site.

4. POST-ACCIDENT TESTING

Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit an employee from obtaining necessary emergency medical care.

- a) A surviving employee shall provide a breath sample to be tested for the use of alcohol or urine sample to be tested for controlled substances as soon as possible following an accident involving a fatality or recordable incident.
- b) The alcohol test must take place within two hours and a controlled substances test must take place within 32 hours of the accident. If the alcohol test is not accomplished within two hours, a written record shall be made stating the reason. If the alcohol test is not conducted within eight hours following the accident, the county shall cease its attempts and must make a written record of the reasons the test was not administered. The record shall be retained pursuant to Article IX hereof and shall not be released or open to inspection without the review and authorization of the County Counselor.
- c) An employee who is injured and cannot provide a breath or urine specimen at the time of the accident shall provide the necessary authorization for obtaining medical reports and other documents which indicate whether there was any alcohol or controlled substances in his/her system at the time of the accident.
- d) An employee who is subject to post accident testing shall remain readily available for testing but may leave the scene to obtain needed medical services. Refusal to submit to post accident testing will result in disciplinary action, up to and including, termination of employment.
- e) An employee subject to testing must refrain from alcohol use for eight hours after an accident, or until after the alcohol test, whichever comes first.
- f) An employee who is scheduled to receive a post-accident alcohol or controlled substances test will not be permitted to drive or perform safety sensitive duties until the test is confirmed negative.

5. RETURN-TO-DUTY

Before an employee returns to duty after engaging in prohibited conduct regarding alcohol misuse, the employee will be required to take an alcohol test. To return to duty, an employee must have a breath alcohol of under 0.02. Before an employee returns to duty after engaging in prohibited conduct regarding controlled substance use, the employee will be tested for controlled substances. To return to duty, an employee must have a negative test for controlled substances.

6. FOLLOW-UP AFTER REHABILITATION:

Any employee who invokes their one-time option for rehabilitation is subject to unannounced follow-up alcohol or controlled substances testing. The number and frequency of the tests shall be recommended by a substance abuse professional (SAP) following the employee's return-to-duty. The duration of the follow up testing and frequency of such testing shall be at the discretion of the office holder or department head after review of the SAP's evaluation. A positive follow-up test for alcohol or controlled substances may result in termination of employment.

VI. CONSEQUENCES OF SUBSTANCE MISUSE OR ABUSE

Greene County has zero tolerance for alcohol or controlled substances misuse or abuse for employees or positions classified under Appendix B.

VII. TESTING PROCEDURES

A Medical Review Officer (MRO) shall be designated by the Greene County Commission to perform the designated functions under this policy. Greene County shall engage the services of an independent MRO who is properly credentialed and trained in compliance with federal regulations, and who shall not be an employee of Greene County. The MRO shall provide the required reports necessary for Greene County to comply with the federal reporting requirements. All testing shall be performed in accordance with the accepted scientific standards. Due care shall be taken by the MRO to respect the dignity and privacy of individuals required to give sample tests

1. CONTROLLED SUBSTANCES: SAMPLE COLLECTION AND TESTING REQUIREMENTS

- a. The MRO shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The MRO will review the controlled substance testing results prior to transmission of the results to the county.
- b. A urine sample will be used for all controlled substance tests provided for herein. An employee whose urine sample has tested positive can have it retested per this policy.
- c. An employee who questions the results of a required urine test under this policy may request that an additional test be conducted. The test must be conducted on the same original sample collected. The test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for testing that is requested by the employee shall be paid by the employee. An employee's request for a re-test must be made in writing to the Medical Review Officer (MRO) within seventy-two (72) hours of the initial test result. Requests made by the employee after the seventy-two hour (72) hour limit will only be accepted if the delay was due to documented circumstances that were beyond the control of the employee.

1. ALCOHOL: SAMPLE COLLECTION AND TESTING REQUIREMENTS

- a) A breath sample will be used for alcohol tests required and provided herein.
- b) All "Breath Alcohol Technicians (BAT's)" will be trained in proficient operation of the EBT and alcohol testing procedures.
- c) Greene County (or its third party vendor) will conduct alcohol testing in a location that allows visual and actual privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.
- d) No unauthorized persons will be permitted access to the testing location when the EBT remains unsecured or in order to prevent such persons from seeing or hearing a test result, at any time when testing is being conducted.

2. SPECIMEN COLLECTION

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

- a) A collection site will be designated by Greene County.
- b) Security measures will be taken to prevent unauthorized access which could compromise the integrity of the collection process of the specimen.
- c) The chain of custody of the urine sample will be carefully documented.
- d) Special precautions will be taken to assure that access to urine specimens is restricted to authorized personnel.
- e) Procedures for collecting urine specimens will allow individual privacy, except under circumstances indicating that a particular individual may alter or substitute the specimen.
- f) Rules designed to preserve the integrity and identity of urine specimens will be carefully followed.
- g) Controlled collections and transportation of collections to the laboratory will be handled by the county or its third party vendor.

VIII. REPORTING AND REVIEW OF RESULTS BY THE MEDICAL REVIEW OFFICER

1. The drugs to be tested under this policy include but are not limited to: Marijuana (THC metabolite), Cocaine, Amphetamines, Opiates (including heroin) and Phencyclidine (PCP). The testing shall occur in two to three steps. The initial test shall be a screen test and for positive screen tests a confirmation test shall be conducted. The positive results shall be reviewed by the Medical Review Officer (MRO) to evaluate the results and rule out any false positives.
2. Prior to final verification of positive test results, the MRO will give the employee an opportunity to discuss the test results. During this conversation, an employee can ask to have their initial sample re-tested. The re-test would be an additional cost to the employee. This request cannot just be a verbal one to the MRO. It MUST be in writing to the MRO within 72 hours of notification.
3. The MRO shall immediately, upon the completion of the controlled substance testing of an employee, report to Greene County the results of the test. The MRO shall issue to the county a report that is in writing and signed by the MRO attesting to the following:
 - a) The controlled substance test being reported is conducted in compliance with this policy.
 - b) The name of the individual for whom the test results are being reported.
 - c) The type of test indicated on the custody and control form.
 - d) The date and location of the test collection.
 - e) The identities of the person or entities performing the collection, analysis of the specimens, and serving as medical review officer for the specific test.
 - f) The verified results of the controlled substance(s) for which the test was verified positive.
4. The MRO shall report to Greene County that the officer has made all reasonable efforts to contact the employee, but the employee has failed to show for the administration of the test. Upon receipt of this information Greene County shall dispatch the employee to the MRO immediately or within twenty-four hours, whichever is earlier. An employee's refusal to submit to the test shall result in disciplinary action, up to and including termination of employment.
5. The MRO shall maintain all dated records and notification, identified by individual if it pertains with the procedures established in 49 CFR Part 40.

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

6. The MRO shall maintain all dated records and notification, identified by individual, for a minimum of one (1) year for negative and concealed controlled substance test results.
7. The county's contract with laboratories and the MRO will require the laboratory and the MRO to maintain all employees test records in confidence.
8. Any employee who is the subject of a drug or alcohol test shall, upon written request, have access to any records relating to his or her drug or alcohol test and any records relating to testing results.

IX. RECORD RETENTION AND CONFIDENTIALITY

1. All records pertaining to alcohol and controlled substance testing required by this policy shall be maintained in a secure location with controlled access, separate from personnel records. The records shall be maintained in accordance with the State of Missouri retention schedule.
2. Except as provided in another provision herein, an employee, upon written request, shall receive copies of any records pertaining to the tests for alcohol and/or controlled substances required herein. The county shall have an approved form for the employee to request records.
3. An employee may authorize the release of confidential information required to be maintained in this policy to a third party or subsequent employer upon written consent of the employee on a form provided for release of information to a third party.
4. The confidential records maintained pursuant to this policy may be released to a court of law, administrative agency or decision maker considering discipline or the right of the employee to a benefit or privilege, or any other proceeding initiated by the employee or initiated in the employee's behalf, and involving the results of the alcohol/controlled substance tests required by this policy. The county may release records required to be maintained herein upon a proper request to a party in a Workers' Compensation, Unemployment Compensation, or any other case relating to a benefit sought by the employee.

X. GENERAL

1. A copy of this policy shall be distributed to all Greene County employees covered by this policy before testing commences. Any employee who is transferred into a position covered by this policy after the required testing herein commences, shall be given the policy before they commence any driving function. The original will be maintained in the employee's personnel file.
2. This policy is not intended to limit Greene County's right to further discipline, up to and including discharge, an employee for improper or illegal conduct engaged in while under the influence of prohibited drugs and alcohol.
3. This policy does not constitute a contract for employment, nor does it constitute a guarantee of employment for any particular time period or duration. This policy may be amended or supplemented by Greene County at any time in the sole discretion of management.

Statement of Recognition

Appendix B: Department of Transportation (DOT) Regulated Positions
Alcohol and Controlled Substances Testing Policy

I hereby certify that I have received a copy and read the Alcohol and Controlled Substance Testing Policy and fully understand the terms thereof.

I further agree to comply with the procedures and requirements set forth in the policy.

I acknowledge that I understand the penalties for non-compliance with this policy and procedure.

Print Name

Department

.....

.....

Signature

Date

.....

.....

ex3

CCO Form: HS02
Approved: 01/05 (BDG)
Revised: 03/17 (AR)
Modified:

Award name/number: BPC-SW-7X-Z
Award year: 2020 (SW District)

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
BLUEPRINT FOR SAFER ROADWAYS PROGRAM AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the

City of _____, a municipal corporation in the State of Missouri (hereinafter, "City"); OR

County of Greene (hereinafter referred to as "County"); OR

Department of _____, a department within the executive branch of the government of the State of Missouri (hereinafter, "Department"); OR

_____, a recognized vendor with the State of Missouri (hereinafter, "Vendor")

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The Commission has authorized State Road Funds to be used to support regional Blueprint for Roadway Safety activities. The purpose of this Agreement is to grant the use of such State Road Funds to the County.

(2) ACTIVITY: The State Road Funds, which are the subject of this Agreement, will support the following activity to further Missouri's Blueprint for Roadway Safety:

Purchase two (2) LIDAR XLR-C LI-ION handles, charging stand, storage bags, batteries, and three (3) Dual 2 Antenna Radar systems.

(3) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the County shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the County's wrongful or negligent performance of its obligations under this Agreement.

(B) The County will require any contractor procured by the County to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an

authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The County shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the County and the Commission.

(5) COMMISSION REPRESENTATIVE: This Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(6) NONDISCRIMINATION CLAUSE: The County shall also comply with all state and federal statutes applicable to the County relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(7) ASSIGNMENT: The County shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(8) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The County shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(9) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the County with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the County.

(10) ACCESS TO RECORDS: The County and its Contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc.

These records must be available at no charge to the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the County receives reimbursement of their final invoice from the Commission.

(11) REIMBURSEMENT: With regard to work under this Agreement, the County agrees that funds to implement Blueprint activities shall only be available for reimbursement of eligible costs which have been incurred by County. The County shall supply to the Commission copies of all bid information; purchase orders; invoices; and name, date, hours worked, and rate of pay (on Program Agreements that include salaries). Any costs incurred by County prior to authorization and notification to proceed from the Commission are **not** reimbursable costs. The Commission shall not be responsible for any costs associated with the activity herein unless specifically identified in this Agreement or subsequent written amendments. The Commission shall not provide more than **Eleven thousand six hundred fifty seven** dollars (\$ 11,657.00) for this Blueprint safety project.

(12) USE OF FUNDS: Any employee of County whose salary or wages are paid in whole or in part with federal funds is prohibited from participating in certain partisan political activities, including, but not limited to, being a candidate for elective office pursuant to Title 5 United States Code (hereinafter, "U.S.C."), Sections 1501-1508. If an employee of County participates in activities prohibited by the Hatch Act, County shall no longer pay that employee's salary or wages with federal funds unless the requirements of 5 U.S.C. Sections 1501-1508 are not applicable to that employee pursuant to 5 U.S.C. Section 1502(c).

(13) INSPECTION OF IMPROVEMENTS AND RECORDS: The County shall assure that representatives of the Commission shall have the privilege of inspecting and reviewing the work being performed per this Agreement. The County shall also maintain all financial documents, reports, papers and other evidence pertaining to costs incurred in connection with this Program Agreement, and make such materials readily available for review at reasonable times and at no charge during this Agreement period and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission or any authorized representatives of the State of Missouri; copies shall be furnished, upon request, to authorized representatives of the Commission or State.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The County shall refund any overpayments as determined by the final audit.

(16) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the County.

(17) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that

they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the County this ____ day of _____, 20____.

Executed by the Commission this ____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

County
Greene County Sheriff's Office

By _____

Title: District Engineer

Title _____

By _____

Title _____

By _____

Title _____

ATTEST:

By _____

Title _____

Approved as to Form:

Title _____

Ordinance No _____

*Note: If agency is a County with a county commission form of government, 3 signatures are required.

