1. Call to Order

2. Roll Call – Russ Cotton (ch), Chuck Nagel, Emily Barker, Dan Steffen, Jason Spence

3. Approval of Minutes
   a. Approval of December 10, 2019 regular meeting minutes.
   b. Approval of December 17, 2019 special meeting minutes.

4. Public Input

5. Appointments
   a. Approval of reappointment of Ed Leman to the Congerville Rural Fire Protection District for a 3 year term expiring May 1, 2022.
   b. Approval of appointment of Donald Tolan to CP&Z to fill the unexpired term of Andy Rokey.
   c. Approval of appointment of Kim Holmes as the ZBA Chairman.
   d. Approval of appointment of Jerry Smith to the County Board to fill the unexpired seat of Andy Rokey.

6. Approval of Claims
   a. Approval of December claims
   b. County Board Per Diem – Roll Call Vote

7. Unfinished Business
   a. Approval of Resolution 2019/20 #016 Drug and Alcohol Use/Abuse Policy
      b. Codification

8. New Business

9. Budget

10. Other

11. Executive Session (if necessary)

12. Any action coming out of Executive Session

13. Adjournment
COUNTY OFFICES COMMITTEE  
COUNTY BOARDROOM  
TUESDAY, DECEMBER 17, 2019  
SPECIAL MEETING  
MINUTES  
6:00 P.M.

1. **Call to Order**

2. **Roll Call** – Chuck Nagel, Jason Spence, Dan Steffen present. Emily Barker arrived at 6:10 PM. Russ Cotton is excused.

3. **Public Input**

4. **Unfinished Business**
   a. Discussion/action on board rule changes to accommodate for committee alternates. Two scenarios were presented. One for having assigned alternates and the other for having a pool of alternates. It was decided that we would focus on assigned alternates and not the pool as the State’s Attorney felt we should shy away from the pool. Discussion on having two alternates instead of just one. It was felt that this would give a better chance of having a member be available. Also to designate alternate one and two. One would always be contacted first. They may attend any and all meetings, but would only be paid the stipends when they were needed to fill the quorum. They will also receive the packet so they can up to date on the issues that committee is addressing. Motion to approve two alternates to committees and send to board made by Steffen, seconded by Nagle. **Motion passed.**

5. **Adjournment**
Motion to adjourn made by Nagel, seconded by Barker. **Motion passed.**

Meeting adjourned at 6:12 PM.

Submitted by: Deb Breyman

Russ Cotton, Chairman  
County Offices Committee
1. Call to Order
The Chairman called the meeting to order at 4:05 PM.

2. Roll Call – Russ Cotton, Chuck Nagel, Jason Spence, Dan Steffen all present. Emily Barker was excused.

3. Approval of Minutes
   a. Approval of November 12, 2019 regular meeting minutes.
      Motion to approve November 12, 2019 minutes made by Spence, seconded by Nagel. *Motion passed.*
   
      b. Approval of November 19, 2019 special meeting minutes
      Motion to approve November 19, 2019 special meeting minutes made by Nagel, seconded by Spence. *Motion passed.*

4. Public Input
None

5. Appointments
   a. Appointment of Christopher Lee to the Germantown Fire Protection District to complete the unexpired 3 year term of Gary Hill expiring April 30, 2022.
      Motion to approve the appointment of Christopher Lee to the Germantown Fire Protection District to complete the unexpired 3 year term of Gary Hill expiring April 30, 2022 made by Steffen, seconded by Nagel. *Motion passed.*
   
   b. Appointment of Emily Barker to the Finance Committee to complete the unexpired 2 year term of Russ Cotton expiring the first Monday in December 2020.
      Motion to appoint Emily Barker to the Finance Committee to complete the unexpired 2 year term of Russ Cotton expiring the first Monday in December 2020 made by Spence, seconded by Steffen. *Motion passed.*
   
   c. Reappointment of Tyler Rogers (ADDWC) to the Human Services Transportation Plan Committee for a 3 year term expiring August 21, 2022.
      Motion to reappoint Tyler Rogers (ADDWC) to the Human Services Transportation Plan Committee for a 3 year term expiring August 21, 2022, made by Spence, seconded by Steffen. *Motion passed.*
   
   d. Appointment of Eric Lind, Ben Kingdon, Mike Hinrichsen, Mike Smith, Roy Bockler, Russ Cotton and Barry Logan to Tri-County Regional Planning Commission for a 1 year term expiring the November 30, 2020.
      Motion to strike Mike Smith name from item d made by Steffen, seconded by Nagel, *Motion passed.* Motion to appoint Eric Lind, Ben Kingdon, Mike Hinrichsen, Roy Bockler, Russ Cotton and Barry Logan to Tri-County Regional Planning Commission for a 1 year term expiring November 30, 2020 made by Steffen, seconded by Nagel. *Motion passed.*
COUNTY OFFICES COMMITTEE
COUNTY BOARDROOM
TUESDAY, DECEMBER 10, 2019
MINUTES
4:00 P.M.

e. Appointment of Mike Smith to Tri-County Regional Planning Commission for a 2 year term expiring the November 30, 2021.
Motion to appoint Mike Smith to Tri-County Regional Planning Commission for a 2 year term expiring November 30, 2021 made by Nagel, seconded by Spence. *Motion passed.*

6. Approval of Claims
   a. Approval of December claims
      Motion to approve December claims made by Spence, seconded by Steffen. Roll call vote – Cotton- yes; Nagel- yes; Spence- yes; Steffen- yes. *Motion passed.*

   b. County Board Per Diem – Roll Call Vote
      There is only one per diem for Chuck Nagle. Motion to approve per diem claim for Chuck Nagel made by Spence, seconded by Steffen. Roll call vote – Cotton – yes; Spence- yes; Steffen- yes. Nagel abstained from vote. *Motion passed.*

7. Unfinished Business
   a. Codification (G. Minger)
      Mr. Minger hopes to have the codification done by the end of year. He has had to update some of the ordinances, as the correct current ordinance was not in the book. We will have to change the way we number our ordinances. He has offered to update the disk with future ordinances. Going forward we will need to make sure all copies are updated as needed. We will publish this on the website. Once he has it completed we will need an ordinance for renumbering.

   b. Approval of Personnel Policy Changes
      Mandatory Workplace Transparency Act and Drug and Alcohol Use Abuse Policy
      Motion to approve Resolution 2019/20 #014 for Mandatory Workplace Transparency Act and Drug and Alcohol Use Abuse Policy made by Spence, seconded by Nagel. *Motion passed.*

8. New Business
   a. Discussion on changing Board rules to allow alternates on committees
      Discussion on why we need alternates. A situation may arise where at the last minutes a committee member is not able to attend a meeting and doesn’t have time to phone the alternate. Question if an alternate can be appointed at the last minute. Discussion on how this could be seen as inappropriate to sway a vote one way or another. No matter what committee decides, it still has to be approved by the board. Discussion on if all board members could be an alternate to any committee and any board member could be called when needed to serve as an alternate. While there is nothing illegal about doing it that way, the State’s Attorney recommended that individuals be appointed to a certain committee for a period of time. Discussion on who would appoint a member to a committee and it was decided the Board Chairman would. Mr. Spence will write up a proposal for the committee to take to the board this month. This committee will
meet at 6PM prior to the Board meeting to approve. It is hoped that appointments can be made in January.

b. Approval of Resolution 2019/20 #004 Approving the Continued Operation of the Office of the State’s Attorneys Appellate Prosecutor.
Motion to approve resolution 2019/20 #004 made by Spence, seconded by Nagel. Motion passed.

c. Discussion on internship in Assessor’s office.
There are changes going on in the Supervisors of Assessments office. A full time person is going to go to part-time and the part-time person will be moving into the full time slot. The Supervisor of Assessments would like to hire an intern to help with filing and data entry. She has contacted the high school and could get an intern through the work study program. Before she moved forward with this, she wanted to have the committee’s thoughts. The committee felt that this was a great idea. Question arose about how this would fit into the union. This would be seasonal help and does not fall under the guidelines of the union. The intern could not work more than 1,000 hours per year. Since this would be only for a semester, it would not be more than 1,000 hours. The committee fully supported this idea. The Supervisor of Assessments will put the paperwork together and bring to the committee next month.

d. Discussion on paying Heart Technologies Invoices in vacation
The Heart Technologies invoices arrive after the cut off day for payment in that month. Therefore we are two months behind in paying the invoice. A resolution was presented to pay the Heart Technology monthly bill in vacation.

e. Approval of Resolution 2019-20 #05 Authorizing Heart Technology Invoices to be paid in vacation.
Motion to approve Resolution 2019/20 #05 made by Spence, seconded by Nagel. Motion passed.

9. Budget
10. Other
11. Executive Session (if necessary)
12. Any action coming out of Executive Session
13. Adjournment
Motion to adjourn made by Nagel, seconded by Spence. Motion passed.

Meeting adjourned at 6:30 PM.

Submitted by: Deb Breyman

Russ Cotton, Chairman
County Office Committee
Congerville Rural Fire Protection District

Woodford County Board

We of the Congerville Rural Fire Department wish to present an appointee for the Congerville Rural Fire Protection District in the name of:

1st choice  Ed Leman

2nd choice  Dan Stephens

For a three year term to expire May 1, 2022

Please give this your approval and acceptance.

Dated 10 day of December, 2019

Appointment of Ed Leman approved this 10 day of December, 2019

Chairman, Woodford County Board

County Clerk

Reappointment of Ed Leman to the Congerville Rural Fire Protection District for a 3 year term expiring May 1, 2022.
January 8, 2020

The Honorable John Krug  
Woodford County Board Chairman  
Woodford County Courthouse  
115 N. Main Street  
Eureka, Illinois 61530

Request the County Board to appoint Don Tolan to CP &Z Committee to fill the unexpired term of Andy Rokey.

Please let me know if you have any further questions.

Sincerely,

[Signature]

John Krug  
County Board Chairman
January 8, 2020

The Honorable John Krug  
Woodford County Board Chairman  
Woodford County Courthouse  
115 N. Main Street  
Eureka, Illinois 61530

Request the County Board to appoint Kim Holmes as Chairman of ZBA.

Please let me know if you have any further questions.

Sincerely,

[Signature]

John Krug  
County Board Chairman

Appointment of Kim Holmes to the Zoning Board of Appeals as Chairman, to replace Chairman Jerry Smith for the remainder of her term expiring August 1, 2022.
January 9, 2020

The Honorable John Krug  
Woodford County Board Chairman  
Woodford County Courthouse  
115 N. Main Street  
Eureka, Illinois 61530

Request the County Board to appoint Jerry Smith to the County Board to fill the unexpired term of Andy Rokey.

Please let me know if you have any further questions.

Sincerely,

[Signature]

John Krug  
County Board Chairman
RESOLUTION 2019/20–#016
DRUG AND ALCOHOL USE/ABUSE POLICY

WHEREAS, Illinois passed the Cannabis Regulation and Tax Act which takes effect January 1, 2020; and,

WHEREAS, The new law decriminalized the use of marijuana both for medical and recreational purposes; and,

WHEREAS, Woodford County has amended their drug and alcohol use/abuse policy in the Personnel Policy to implement the required changes.

NOW, THEREFORE BE IT RESOLVED by the Woodford County Board that the attached, drug and alcohol use/abuse policy be made part of the personnel policy.

ADOPTED by a majority vote of all the members of the Woodford County Board this 21st day of January, 2020

ATTEST:

Dawn Kupfer
Clerk of the Woodford County Board

John Krug
Chairman of Woodford County Board
DRUG AND ALCOHOL USE/ABUSE POLICY

INTENT:

Woodford County is concerned about the ultimate effects of the use of cannabis, alcohol, and illegal drugs upon the health and safety of its employees and the public. We recognize that studies show that alcohol abuse and the illegal use of drugs leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, the County and the public. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of Woodford County’s mission and goals.

The County recognizes that the state legislature has accepted that modern medical research confirms the beneficial uses of cannabis in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions. For these reasons, the State of Illinois has decriminalized the use of marijuana both for medical and recreational purposes. The County also recognizes that under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule I drug under the Controlled Substances Act. Schedule I drugs are defined as having no approved medical use and a high potential for abuse.

The County recognizes its obligations and responsibilities under these conflicting laws to implement a reasonable drug free workplace policy to ensure the safety of employees and the public at large while protecting the rights of all employees.

Woodford County will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Program Act, unless failing to do so would put Woodford County in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. Woodford County prohibits the use and storage of both medical and recreational cannabis on its property, at all workplaces and in any employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way Woodford County’s rights to manage its workplace or discipline employees.

DEFINITIONS:

For purposes of this policy, the following terms shall have the following meanings:

A. ‘Premises’ shall include all work sites, work areas, property owned or leased by Woodford County, or vehicles owned, operated, leased, or under the control of Woodford County. Privately-owned vehicles parked or operated on property owned, leased or managed by Woodford County is also included under the definition.

B. ‘Woodford County time’ shall include all times during which an employee is on Woodford County premises, meal and break times on or off Woodford County premises, or performing work off the premises for the benefit of Woodford County, as a representative of Woodford County.
C. ‘On-call’ for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least 24 hours’ notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer’s premises or other previously designated location by his or her employer or supervisor to perform a work-related task.

D. ‘Legal drug’ means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee and over-the-counter drugs.

E. ‘Illegal drug’ means any controlled substance the possession or sale of which is prohibited by law.

F. ‘Cannabis’ or ‘Marijuana’ is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a “high” or feeling of being “stoned.” The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.

G. ‘Cannabidiol’ or ‘CBD’ is one of over 60 different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel “high” or “stoned.” CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible that a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate the County’s drug-free workplace policy.

H. ‘Substance’ means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one’s ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; “synthetic or designer” drugs; illegal inhalants; “look-alike” drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).

I. ‘Traceable in the employee’s system’ means that the results of a laboratory’s analysis of the employee’s urine, saliva, breath, blood specimen is positive for the tested substance.

J. ‘Reasonable suspicion’ of impairment means that Woodford County’s representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee’s job position, including symptoms of the employee’s speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable opportunity to contest the basis of the
suspected impairment before being subject to discipline based on the employer’s good faith belief of impairment.

K. ‘Under the influence’ means the condition wherein any of the body’s sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to drugs or alcohol. This also means the detectable presence of Substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other Substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions including Sheriff’s Deputies, Corrections Deputies, Probation Officers and Highway Personnel, under the influence of alcohol is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater (compared to the BAC of 0.08 for non-safety sensitive positions). Under the influence of cannabis currently means testing positive for any amount of cannabis (until the legislature determines a specific level of THC in the blood that constitutes statutory impairment).

L. ‘Safety sensitive function’ was defined by the United States Supreme Court as any job function fraught with such risks of injury to others such that even a momentary lapse of attention can have disastrous consequences as well as any function described as safety sensitive by applicable FMCSA or other applicable regulations. The category of safety sensitive functions includes job duties described as safety sensitive by applicable FMCSA or other applicable regulations, statutes, or case law. Courts have also held that an employer may prohibit the off-duty use of cannabis, alcohol and other drugs by an employee in a safety sensitive position because these employees can cause great human loss before any signs of impairment become noticeable to supervisors or others.

M. ‘Work related cause’ means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on Woodford County premises or during Woodford County time; caused damage to any Woodford County owned or leased property; or commits repeated and/or flagrant violations of safety standards.

APPLICABILITY:

A. This policy applies to all employees and volunteers of Woodford County as well as candidates for employment with Woodford County who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.

B. The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

POLICY:

A. Alcohol, Cannabis or Illegal Drugs or Substances: The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, cannabis, or an illegal drug or substance while on the County’s premises or while on the County’s time or while
driving a vehicle owned, operated, rented, leased or under the control of Woodford County is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work or be on Woodford County premises or Woodford County time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.

Employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment or perform other safety-sensitive functions including Sheriff’s Deputies, Corrections Deputies, Probation Officers and Highway personnel in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put Woodford County in violation of a federal law or cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

B. Legal Drugs: Woodford County does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription and/or over-the-counter, and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

C. Drug Panel: DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). The County cannot exclude cannabis from a drug test performed pursuant to DOT Regulations. The DOT Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or other Schedule I drug.

D. Limited Pre-Employment Substance Testing: Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made whose pre-employment drug test returns positive for cannabis, alcohol, or illegal drugs will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

E. Random Selection Testing: Woodford County is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: Sheriff’s Deputies, Corrections Deputies, Probation Officers and Highway Personnel. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, Woodford County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.
F. Reasonable Suspicion Testing: If the County’s representative has a reasonable suspicion that an employee is impaired based on the representative’s observations of the employee at work, and in good faith can describe specific, articulable symptoms of that employee while working that decrease or lessen his or her performance of the duties or tasks of the employee’s job position, including symptoms of the employee’s speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, then the County may conduct reasonable suspicion testing.

G. Post-Accident Testing: If Woodford County has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident Substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.

H. Fitness for Duty: Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of Substances may be subject to Substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to a fitness for duty substance test before being permitted to return to work.

I. Blood Alcohol Concentration: A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

J. THC Concentration: As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. Managers and supervisors should monitor employees for the specific, articulable symptoms of impairment as defined above.

K. Reasonable Zero Tolerance or Drug-Free Workplace Policy:
Under the law, the County has the right to implement a reasonable zero tolerance or drug-free workplace policy that is applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, the County is limited in its ability to prohibit or limit the use of cannabis and other Substances considered legal under Illinois law by County employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in safety sensitive positions, such as Sheriff’s Department Deputies, Corrections Deputies, Probation Officers or Highway Personnel, it is reasonable for the County to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this policy. Such a restrictive policy is reasonable because if these employees used cannabis or other Substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, the County can test the employee for cannabis or other Substances if first the County’s
representative can articulate after observing the employee at work that a reasonable suspicion of impairment exists.

L. Disciplinary Action:

a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol, cannabis, or an illegal substance on Woodford County premises will be removed from the work area, and may be subject to immediate disciplinary action, up to and including discharge.

b. Any employee who reports to work under the influence of alcohol, cannabis, or with an illegal drug or Substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.

c. An employee who refuses to submit to testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by Woodford County, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that Woodford County or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.

d. Any employee who refuses to participate in rehabilitation/treatment as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for Woodford County and may be subject to disciplinary action up to and including discharge.

TESTING PROCEDURES:

A. Testing: Woodford County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by Woodford County, immediately upon the request of authorized Woodford County representatives or agents in accordance with this policy.
1. Where Woodford County has reasonable suspicion that an employee is under the influence of a Substance, he or she will be removed from the work area and provided with transportation to the place of testing. Woodford County should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.

2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to Woodford County as permitted by law.

3. At the discretion of Woodford County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.

4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.

5. Should a candidate or employee fail the initial Substance test, he or she will be notified of the results and will not be allowed to perform work on behalf of Woodford County. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at Woodford County’s expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, Woodford County will take appropriate action including but not limited to discipline or discharge.

6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. Woodford County retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive Substance tests.

7. An employee who has been removed from the work area or barred from working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
8. Woodford County will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.

B. Consent: The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by Woodford County to perform the aforementioned tests and release the results of the testing to Woodford County.

C. Chain of Custody Procedures: At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed and the employee shall be given a copy of these specimen collection procedures.

D. Confidentiality and Privacy: The employee’s right to privacy will be respected, and the results of any testing shall be kept strictly confidential by Woodford County to the extent required and permitted by law. However, Woodford County may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

E. Treatment: An employee who voluntarily informs Woodford County that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with Woodford County’s Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

ADDITIONAL POLICIES:

A. Searches: Upon reasonable suspicion, authorized Woodford County representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, Woodford County property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.

B. Employees must notify Woodford County within 5 days of any criminal drug statute conviction.

C. Woodford County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

D. The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are County Elected Officials or Department Heads who will then request assistance from the Sheriff’s Department for assistance in removal of the employee if necessary.

E. Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual’s health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact the Woodford County Health Department.