

September 3, 2002

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Kemp, Davis, Holmes, and Frye were present. Kim Newsom, County Personnel Director, gave the invocation, and everyone recited the Pledge of Allegiance.

Recognition of Retiree

On behalf of the Board, Chairman Kemp presented an engraved clock to Martha Judge, who is retiring from the Cooperative Extension Service with 29 years of service.

Consent Agenda

On motion of Holmes, seconded by Davis, the Board voted unanimously to approve the consent agenda as follows:

- *Approve regular minutes and closed session minutes (I and II) of August 5;*
- *Reappoint Darrell Frye to the Piedmont Triad Regional Water Authority;*
- *Appoint Linda Cranford (United Way rep.) to the Randolph County Aging Services Planning Committee (Term Expires June, 2003);*
- *Appoint Dr. Cindy Schroder to the Juvenile Crime Prevention Council to Replace Stuart Bullock, who is retiring (Term Expires 7/03);*
- *Appoint Ann Shields to the Adult Care Home Community Advisory Committee (1-Year Term) and Appoint Martha Cleek to the Nursing Home Community Advisory Committee (1-Year Term); and*
- *Adopt the following resolutions adding Chase Road, Stonehenge Drive, Stonehenge Place, and Stonehenge Circle to the State System of Roads:*

WHEREAS, the Department of Transportation has investigated Stonehenge Drive, Stonehenge Place and Stoneside Circle in the Stonehenge Park Subdivision; and

WHEREAS, the subject streets have been found to meet minimum requirements for addition.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Stonehenge Drive, Stonehenge Place and Stoneside Circle in the Stonehenge Park Subdivision be added to the Division of Highways' Secondary Road System.

and

WHEREAS, the Department of Transportation has investigated Chase Road in the Steeplechase Subdivision; and

WHEREAS, the entrance and majority of this road is located in Davidson County and the final 582 feet which leads to the centerline of the cul-de-sac is located in Randolph County; and

WHEREAS, Davidson County will maintain the entire 2,415 feet of this road; and

WHEREAS, the subject road has been found to meet minimum requirements for addition.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Chase Road in the Steeplechase Subdivision be added to the Division of Highways' Secondary Road System.

Resolution for Governance Structure for Mental Health Reform

Mazie Fleetwood, Randolph County Mental Health Director, reminded the Board that the State has embarked on a mission to reform the mental health delivery system in North Carolina. A new plan for the Mental Health System has been developed as required by House Bill 381 (Mental Health Reform Bill) and seeks to address five areas of system reform, which include governance, consolidation of area programs, change in area program roles, redefinition of service populations, and reduction of institutional beds. Ms. Fleetwood said that all counties must submit a letter of intent concerning their plan for the delivery of services by October 1, 2002. Under HB 381, counties have 3 organization options: 1) keeping current structure under a revised Chapter 122C, 2) creating a multi-county service management entity under a Chapter 160 intergovernmental agreement, and 3) implementing the Administering County Model in both a single- and multi-county setting. By January 1, 2002, all community programs are required to submit a local 3-year business plan to the State that defines the area program's transition. Randolph County's 3-year local

business plan will begin July 1, 2004. The proposed deadline for the consolidation of all area program/local management entities from 38 systems down to 28 is January 1, 2007.

Ms. Fleetwood stated that the Mental Health Board has recommended that an affiliation with the Sandhills Center for Mental Health, Developmental Disabilities and Substance Abuse be pursued since Randolph County's population of 133,309 is well below the catchment area size of 200,000 that the State has specified. She said that our Area Program has worked with the Sandhills Area Program and that we share a number of private providers. The Sandhills program has an excellent reputation and since they are a multi-county area authority, they have expertise in managing several counties. She introduced Dr. Mike Watson, Sandhills Director. Ms. Fleetwood stated that she has found nothing in the State plan that will require counties to increase local funding in the future. She advised the Board that the first step in the affiliation of the two systems is the adoption of a resolution of support by the County Commissioners.

On motion of Holmes, seconded by Frye, the Board voted unanimously to adopt the following resolution:

WHEREAS, the 1999 General Assembly Regular Session 2000 established the Joint Legislative Oversight Committee ("Committee") on Mental Health, Developmental Disabilities, and Substance Abuse Services; and

WHEREAS, said Committee reviewed the governance, structure, and financing of the current mental health system and reported its recommendations to the 2001 General Assembly for legislative action; and

WHEREAS, Session Law 2001-437, House Bill 381, Section 1.4 (122C-101) provides that "within the public system of mental health, developmental disabilities, and substance abuse services, there are area, county, and state facilities. An area authority or county program is the locus of coordination among public services for clients of its catchment area;" and

WHEREAS, Randolph County currently operates as a single-county authority known as Randolph County Mental Health, Developmental Disabilities, and Substance Abuse Program; and

WHEREAS, Randolph County desires to continue as an area authority and pursue an affiliation with the Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Randolph County, North Carolina, that Randolph County will continue as an area authority and pursue an affiliation with the Sandhills Center for Mental Health, Developmental Disabilities, and Substance Abuse.

GFOA Certificate for FY 2000-2001

Will Massie, Deputy Finance Officer, announced that Randolph County's comprehensive annual financial report has qualified for a Certificate of Achievement for Excellence in Financial Reporting, for the 13th consecutive year, by the Government Finance Officers Association of the United States and Canada. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Annual Report of the Child Fatality Prevention/Community Child Protection Team

MiMi Cooper, Public Health Director, gave an annual report of the Combined Child Fatality Prevention Team and Community Child Protection Team in accordance with NCGS 143-576.1(a)(2). The purpose of this Team is to review child deaths and make recommendations for systems improvements that may prevent child fatalities in Randolph County. She stated that the teams reviewed 25 child deaths during the past year (July, 2001 – June, 2002). The Team did not identify any system problems during this time. The Community Child Protection Team reviewed 3 active child protection cases in the Department of Social Services and 5 cases where the agency had contact with the family in the 12 months preceding a child's death. There were no gaps in service identified for the child deaths reviewed and the team made suggestions to the DSS staff members in charge of the active cases for additional services to the families involved.

Adoption of Drug/Alcohol Testing Policy for County Employees

Aimee Scotton, Staff Attorney, presented a drug/alcohol testing policy that will substantiate that the County is a drug-free workplace. The policy will allow for pre-employment, random (for safety-sensitive positions), reasonable suspicion, and post-accident drug testing. She said that the proposed policy satisfies all legal requirements and that all employees and supervisors will be trained before the policy is actually put into place. Ms. Scotton said that proposals had been received from 3 local providers for testing site services. The information provided by all 3 providers was carefully reviewed by the Executive Safety Committee and a site visit to each test collection facility was made. The committee recommends that FirstCare Urgent Care Center, with 2 locations in Randolph County, best meets our needs for drug/alcohol testing at this time.

On motion of Frye, seconded by Holmes, the Board voted unanimously to adopt the following Drug and Alcohol Testing Policy as presented and designated FirstCare Urgent Care Center as our primary drug/alcohol testing site (policy follows):

Section 1. Purpose and Scope of Policy

- A. *The purpose of this policy is to maintain a drug- and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs. Randolph County recognizes that an employee's on- or off-the-job involvement with drugs and alcohol can have an impact on work productivity and on the ability to provide a work environment free from the effects of substance abuse. While it is inappropriate for the County to intrude into the private lives of its employees, employees are expected and required to be in a condition to safely and effectively perform their duties throughout the workday.*
- B. *All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Randolph County will take all necessary steps to safeguard the dignity and self-esteem of those being tested and will ensure adherence to all procedures pertaining to the implementation of this policy. Randolph County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.*
- C. *Employees with substance-abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program. However, employees who fail drug or alcohol tests may be disciplined, up to and including termination.*
- D. *Participation in a counseling, treatment, or rehabilitation program for drug and/or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the County of being a drug user/abuser or alcohol abuser.*

Section 2. Definitions.

Accident means any occurrence involving a motor vehicle that results in a fatality; bodily injury to a person who, as a result of the injury, receives medical treatment; or with one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle; or any other motor vehicle collision where fault is not clearly defined or appears to rest with the employee.

Alcohol test means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Criminal Drug Statute means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

Drug means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

Drug Test and Drug Screening mean a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

a) Amphetamines; b) Barbiturates; c) Benzodiazepines; d) Cannabinoids; e) Cocaine; f) Methaqualone; g) Opiates; h)

Phencyclidine; i) Propoxyphene; j) Other drugs that may be determined to reduce work efficiency.

Medical Review Officer is a North Carolina licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

On Call means being subject to a call to report immediately to work for Randolph County.

On Duty means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Randolph County.

Other Substance means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

Positive Drug Test means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by Randolph County; all positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

Positive Alcohol Test, with respect to a safety sensitive employee, means the presence of alcohol in the employee's system at a level greater than 0.00. Positive Alcohol Test, with respect to an employee not employed in a safety sensitive position, means the presence of alcohol in the employee's system at the 0.02 level or greater.

Negative Drug Test means a test result that does not show presence of drugs at a level specified to be a positive test.

Negative Alcohol Test, with respect to a safety sensitive employee, means a test that indicates an alcohol concentration of 0.00.

Negative Alcohol Test, with respect to an employee not employed in a safety sensitive position, means a test that indicates an alcohol concentration of less than 0.02.

Qualified Negative, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

Canceled, with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

Random Testing is testing conducted on an employee assigned to a safety sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

Reasonable Suspicion exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, obtains specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion: a) Slurred speech; b) The odor of marijuana or alcohol about the person; c) Inability to walk a straight line; d) An accident resulting in damage to property or personal injury; e) Physical altercation; f) Verbal altercation; g) Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior); h) Possession of drugs and/or alcohol; i) Credible information obtained from other employees based on their observations; j) Arrests, citations, and deferred prosecutions associated with drugs or alcohol

Unannounced Follow-Up Testing is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

Safety-Sensitive Position means:

1. A position will be designated safety sensitive only where Randolph County has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, such a great risk of injury to the other persons or to property of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences. Examples of these positions include:

a) Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).

b) Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.

b) Other positions as determined on a case-by-case basis.

2. The following includes activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration portions of the DOT guidelines:

a) Driving.

b) Inspecting, servicing, or conditioning any commercial motor vehicle.

c) Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.

d) Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.

e) Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.

f) Performing driver requirements, relating to accidents.

g) Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

h) Operating a revenue service vehicle, including when not in revenue service.

i) Operating a non-revenue service vehicle when required to be operated by the holder of a commercial driver's license.

j) Controlling dispatch or movement of a revenue service vehicle.

k) Maintaining a revenue service vehicle or equipment used in revenue service.

l) Carrying a firearm for security reasons.

3. Determination as to which positions are safety sensitive will be based on DOT guidelines or the recommendation of the department head with approval by the Personnel Department. A list of safety sensitive positions shall be maintained by the Personnel Department.

Supervisor, in general, means any employee who has the authority to direct the job activities of one or more other employee(s). With respect to a particular employee, the term means such employee's immediate supervisor and all persons having direct supervisory authority over such employee.

Pass a Drug Test means that the result of the test is negative. The test either:

- a) Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
- b) Showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

Pass an Alcohol Test is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

Workplace means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor worksites, Randolph County or personal vehicles (while personal vehicle is being used for Randolph County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

Substance Abuse Professional means a licensed physician (medical doctor or doctor of osteopathy) 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 both drug- and alcohol-related disorders.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a) Has a gross combination weight rating of 26, 001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or
- b) Has a gross vehicle weight rating of 26, 001 or more pounds; or
- c) Is designed to transport 16 or more passengers including the driver; or
- d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

Alcohol Confirmation Test means a second test, following a screening test showing a prohibited level of alcohol, which provides quantitative data of alcohol concentration.

Drug Confirmation Test means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

Refuse to Submit means that an employee:

- a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; or
- b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
- c) Refuses to sign the alcohol confirmation test certification; or
- d) Engages in conduct that obstructs the testing process.

An employee subject to the post-accident testing who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

Section 3. Drug and Alcohol Tests Required by the United States Department of Transportation.

This section covers all employees who must hold a commercial driver's license as a job requirement and all employees who perform other safety-sensitive functions as defined by the U.S. Department of Transportation (DOT) regulations.

A. Post Accident. Post-accident testing must be conducted on any driver or any other safety-sensitive employee not in the vehicle (for example, maintenance personnel) whose performance could have contributed to the accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision.

B. Reasonable Suspicion. A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has misused alcohol as defined in this policy. Reasonable-suspicion testing is authorized only if the required observations are made by a trained supervisor or official of the locality where the covered employee is on duty, (See Section 2, Definitions). In any event, a reasonable-suspicion test will only be conducted after the factors leading to the determination of reasonable suspicion have been reviewed with and approved by the head of the department in which the employee works.

C. Random Testing. Employees designated as safety sensitive, as defined by the DOT guidelines, will be tested on an unannounced basis throughout the year. Computer-based random numbers generated and matched with the employee's identification number will determine who is tested.

D. Return to Duty. An employee who has a positive alcohol test of greater than 0.00 will not be allowed to return to duty in the performance of a safety-sensitive function until he or she has been evaluated by a substance abuse professional and until he or she tests negative—0.00—on a return-to-duty alcohol test.

E. Follow-Up. Once allowed to return to duty, an employee who has been determined by the evaluating substance abuse professional to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months following return to duty as prescribed by the evaluating substance abuse professional.

Section 4. Drug and Alcohol Abuse and Testing Policy for All Employees

A. The unlawful manufacture, distribution, dispensation, possession, storage, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.

- B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- C. Employees who are terminated as a result of a violation of this policy shall be referred to the Employee Assistance Program for evaluation and further counseling or treatment by a substance abuse professional.
- D. An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred eighty day performance probation, and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return-to-work provisions as outlined in this policy. Refusal to comply will result in termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Department. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.
- E. No safety sensitive employee shall use alcohol within eight hours before going on duty or operating, or having physical control of, a motor vehicle.
- F. No employee shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration of greater than 0.00. An employee in a safety-sensitive function who reports to work and whose alcohol test result indicates a level of alcohol greater than 0.00 in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this policy.
- G. When there is reasonable suspicion (See Section 2, Definitions) that an employee on duty has alcohol or drugs in his or her system, the employee will be tested; however, before any reasonable-suspicion drug test shall be conducted, the factors giving rise to reasonable suspicion shall be reviewed with and approved by the head of the department in which the employee works. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the employee shall receive appropriate discipline as outlined in this policy.
- H. A reasonable suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion or following the accident. If the test is not administered within two hours, the supervisor must document the reason(s) that the alcohol test was not properly administered. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not administered within the eight hour time frame, the following should occur:
1. No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures 0.00, or
 2. Twenty-four hours have elapsed following the determination of reasonable suspicion.
- No employee may refuse to submit to an alcohol test as required by this policy or DOT regulations.
- I. A written record shall be made of the observations leading to a reasonable-suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.
- J. A post-accident drug test shall be administered immediately following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug test required by this policy or DOT regulations.
- K. No safety-sensitive employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident test is performed, whichever comes first.
- L. Employees assigned to positions that are determined to be safety sensitive will be randomly tested for drugs. Selected employees will be sent to the designated testing location. Random testing for drugs and/or alcohol shall be conducted at the rate mandated by DOT or by County policy.
- M. A safety-sensitive employee who tests positive for alcohol must submit to a return-to-duty alcohol test before resuming the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of 0.00.
- N. An employee who refuses to submit to, or fails to follow through with, a drug or alcohol test when testing is required by this policy will be terminated. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Department.
- O. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to Randolph County addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to management for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined pursuant to Paragraph N above.
- P. An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two year period following the date of the test and then will be considered only when:
1. He or she provides documentary proof of successful completion of a drug- and/or alcohol-abuse treatment or rehabilitation program; and

2. He or she passes a pre-employment drug and/or alcohol test.

Q. An employee shall inform his or her supervisor if, prior to beginning work, or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform assigned duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident. The Personnel Department will be consulted prior to such discipline being imposed.

R. The medical review officer will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.

S. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Those employees covered by DOT guidelines must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. A follow-up alcohol test result of greater than 0.00 will result in termination.

T. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her department head of the conviction within five days after such occurrence. (NOTE: This is a requirement of the Drug-Free Workplace Act.) Failure to comply with this requirement will result in termination.

Section 5. Applicant Testing

A. Applicants determined to be final candidates for a full time or part time position will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made and before the candidate begins performing the job in question.

B. Applicants for temporary positions requiring a commercial driver's license, or positions designated as safety sensitive by DOT guidelines, will be required to submit to a drug screening.

C. Candidates for other temporary positions should be required to submit to a drug screen if the department determines that the nature of the job and the length of the assignment justify a test.

D. An applicant who refuses to submit to, or fails to follow through with, the drug test as required, will not be considered for employment for a two-year period.

E. An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test and then will be considered only when:

(1) such applicant provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse or rehabilitation program and

(2) such applicant passes a pre-placement drug and/or alcohol test.

F. Applicants having completed a drug or alcohol rehabilitation program within two years prior to their employment with Randolph County will be required to certify that they have successfully completed the program before they can be hired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

Section 6. Supervisory Responsibilities

Every supervisor shall: Consistently apply this policy to all employees under his or her supervision. A supervisor who fails to apply this policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation, will be disciplined.

A. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.

B. Insure that employees he or she supervises are aware of the requirements and consequences of this policy.

C. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had an alcohol test result of greater than 0.00 are transported home—either by personal family/friends or by arranged transportation.

D. Since the Sheriff and the Register of Deeds are elected officials, drug free workplace issues in the Sheriff's Department and in the Register of Deeds Office shall be the responsibilities of these officials respectively. The Sheriff's Department shall be responsible for reporting test results to the North Carolina Sheriff's Education and Training Standards Commission on personnel holding certification from that Commission as required.

Section 7. Employee Responsibilities

Every employee shall:

A. Abide by this policy as a condition of employment.

B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.

C. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on "on call" status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last eight hours prior

to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered AWOL if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.

D. Submit immediately to a drug or alcohol test when directed by his or her supervisor.

E. Notify his or her department head, if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction, as required by the Drug-Free Workplace Act.

F. Notify his or her department head, if arrested off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale, or possession of a controlled dangerous substance, within forty-eight (48) hours of the incident. The department head shall investigate the incident, and if it is found to have a direct relationship to the employee's job duties and responsibilities, appropriate action may be taken.

Section 8. Compliance with Law

A. Information regarding the testing and referral of employees and applicants under this policy will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.

B. Searches and seizures are to be conducted in a legal manner. Randolph County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances.

C. This policy is intended to comply with all applicable Federal and State regulations governing anti-drug and alcohol programs, including, but not limited to, those adopted by the United States Department of Transportation (DOT).

Section 9. Effective date

This policy shall become effective September 3, 2002.

Adoption of Motor Vehicle Policy

Ron Williams, County Safety Officer, said that the Randolph County Executive Safety Committee has determined that the County Motor Fleet Management Policy (adopted 10/96) is outdated and confusing, and did not address the use of personal vehicles in County business. This committee is recommending that the newly developed Motor Vehicle Policy be adopted by the Board of Commissioners. If adopted, the new policy will be enforced via a motor vehicle plan, which will be reviewed annually by the Executive Safety Committee and changed as necessary. The plan is written to fully comply with all information and guidelines contained within the Motor Vehicle Policy. Mr. Williams presented the proposed policy to the Board.

On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following proposed Motor Vehicle Policy with the following changes (new wording underlined):

DUTIES AND RESPONSIBILITIES: The County shall provide the funds, personnel, training, equipment and support needed to implement and sustain this policy and a plan.

REVIEW: The Randolph County Executive Safety Committee will review this policy annually, and shall report any changes to the Board of Commissioners annually.

PURPOSE: The purpose of this Policy is to:

- 1. Ensure that all County owned, leased or personal vehicles used for County business are mechanically sound, meet all safety standards and are safe to drive.*
- 2. Establish an operator selection and training program to ensure that vehicle operators drive in the safest possible manner while conducting County business.*
- 3. Design a system to identify, retrain, or restrict operators that prove, by their performance, that they pose a higher than average risk of being involved in an accident or of causing injury to others, or of abusing vehicles.*
- 4. Protect the public and property of others.*
- 5. Provide specific training for operators of specialized vehicles.*
- 6. Reduce risk and lower insurance and maintenance cost.*

AUTHORITY: The County shall empower the Safety and Training Officer to establish such programs and to issue such directives as are necessary to accomplish the above stated purpose.

SCOPE: This policy applies to all employees of Randolph County, regardless of their job classification, unless Federal or State Statutes specifically exempts the employee from certain programs or directives. All contractors, volunteers and other users of County owned or leased vehicles, or personal vehicles used for County business not specifically exempted in writing, shall also be subject to this policy.

CONCEPT OF OPERATION: The management of the County owned or leased motor vehicle fleet shall be accomplished using a multi-level tasking system. The Executive Safety Committee will provide broad supervision over the fleet operations. This committee will delegate the necessary authority to Department Heads (with vehicles assigned) to accomplish their assigned responsibilities for the day-to-day management and operation of the fleet. The individual Department Head may serve as the Department's Fleet Manager or he/she may assign, in writing, a member of their department to serve in that capacity. The other task level will be the individual vehicle operator. The operator will be responsible for complying with all procedures necessary to

maintain a safe and mechanically sound vehicle, including personal vehicles utilized in conducting County business. An aggressive management program with comprehensive procedures, in-depth and continuing training, data and accident analysis and preventive maintenance will be used to ensure that the purposes of this policy are fully accomplished.

DUTIES AND RESPONSIBILITIES: *The County shall provide the funds, personnel, training, equipment and support needed to implement and sustain this policy and a plan. The Safety and Training Officer shall develop and have conducted such programs, training, and other items as are deemed necessary to comply with this policy. He/she will serve as an "ex officio" of all committees, boards, teams, etc. created in support of this policy and will serve as the Vehicle Accident Investigation Officer. The Executive Safety Committee will assume the primary responsibility to adopt, monitor, and supervise the Motor Vehicle Plan and related procedures and programs.*

REVIEW: *The Randolph County Executive Safety Committee will review this policy annually, and shall report any changes to the Board of Commissioners annually.*

EFFECTIVE DATE: *This policy shall be effective September 3, 2002 and replaces The Randolph County Motor Fleet Management Policy dated October 1996.*

Resolution Regarding Inspections at the Thomas Built Buses Facility

Paxton Arthurs, Chief Building Inspector, told the Board that the county line falls directly in the middle of Thomas Built Buses' new expansion. The City of High Point, in order to facilitate efficient and effective service, has agreed to administer and enforce the building code for the entire plant expansion and transfer ½ of all building code/permitting fees related to the expansion to Randolph County. The Board needs to adopt a resolution to enter into an agreement with the City of High Point for joint administration of the building code.

On motion of Holmes, seconded by Davis, the Board voted unanimously to adopt the following resolution that ratifies the agreement between Randolph County and the City of High Point for joint administration of the building code at it relates to the expansion of Thomas Built Buses:

WHEREAS, *Thomas Built Buses, Inc. is expanding its bus manufacturing facility and said expansion is located within both the jurisdictions of the City of High Point and of Randolph County; and*

WHEREAS, *it is necessary and desirable, in order to facilitate efficient and effective service, for the City of High Point and Randolph County to jointly administer the Building Code permitting, inspection, and approval process for this plant expansion; and*

WHEREAS, *the City of High Point has submitted a proposed interlocal agreement whereby the City will administer and enforce the Building Code for the entire plant expansion and will transfer one-half of all the Building Code/permitting fees related to this plan expansion to Randolph County; and*

WHEREAS, *North Carolina General Statute § 160A-461 allows Randolph County and the City of High Point to enter into such an agreement so long as the agreement has been reviewed and ratified by resolution of their respective governing boards;*

BE IT THEREFORE RESOLVED *that the Randolph County Board of Commissioners has reviewed the interlocal agreement for joint administration of the Building Code as it relates to the expansion of Thomas Built Buses, Inc. and hereby ratifies said agreement by resolution.*

Resolution, Set Public Hearing on Roads Closings and Set Public Hearing on Renaming of Roads

Aimee Scotton and Hal Johnson told the Board that the Piedmont Triad Regional Water Authority (PTRWA) has requested that the Commissioners act to permanently close Stamey Trail and portions of Walker Mill Rd. Ms. Scotton said that this process includes adoption of a resolution declaring intent to close the road and the calling of a public hearing. Following the public hearing the Board may adopt an order closing the road. The PTRWA has purchased all of the property adjoining the roads to be closed. In addition, the closing of portions of Walker Mill Road creates the need to re-name the portions of that road that remain open in order to avoid confusion in emergency situations. A portion of Spencer Road needs to be re-named as well. A separate public hearing is required for the re-naming process.

On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following resolution declaring intent to permanently close Stamey Trail and portions of Walker Mill Road, to set a public hearing for 5:00 p.m. on October 7, 2002 regarding the closing of Stamey Trail and portions of Walker Mill Rd. and set another public hearing regarding the re-naming of portions of Walker Mill Rd. and

the portion of Spencer Rd. that connects to Davis Country Rd. to immediately follow the 5:00 public hearing.

WHEREAS, the Piedmont Triad Regional Water Authority was formed for the purpose of purchasing land, constructing, and operating a water supply reservoir, known as Randleman Lake; and

WHEREAS, the Randolph County Board of Commissioners has received a request from the Piedmont Triad Regional Water Authority to permanently close Stamey Trail; and

WHEREAS, the Randolph County board of Commissioners has received a request from the Piedmont Triad Regional Water Authority to permanently close the following sections of Walker Mill Road:

1. From its intersection with Stanton Farm Road in a northerly direction for approximately 490 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and
2. From the Piedmont Triad Regional Water Authority property which adjoins Max Hooker in a northerly direction approximately 305 feet to the intersection of George Stanton's existing driveway.

WHEREAS, North Carolina General Statute § 153A-241 requires that the Board of Commissioners hold a public hearing prior to the closing of any road to consider the effects of said closing on the public interest or on individual property rights;

BE IT THEREFORE RESOLVED that the Randolph County Board of Commissioners hereby declares its intent to permanently close Stamey Trail and those portions of Walker Mill Road outlined above.

BE IT FURTHER RESOLVED that the Randolph County Board of Commissioners has set a public hearing for 5:00 p.m. on October 7, 2002 to consider said closings and to allow for the public to be heard on this matter.

Debt Service Payment on Randleman Business Park

Bonnie Renfro told the Board that the EDC Executive Committee had voted to pay the next EDC debt service payment on the Randleman Business Park loan in the amount of \$34,571.96 and will not need to ask the County for assistance with this payment. She then outlined the goals of the EDC Board. She also distributed commemorative gifts to the commissioners from John Thomas, former owner of Thomas Built Bus Company.

Set Public Hearing Date for Local Law Enforcement Block Grant

Major Allen McNeill told the Board that Randolph County has been awarded a LLEBG in the amount of \$19,189. Members of the LLEBG Advisory Board have recommended that this grant money be used for enhanced security at the Courthouse. The local match for this grant is \$2,132. Major McNeill asked the Board of Commissioners to accept the Advisory Board's recommendation and to set a date for the required public hearing on the 2002 grant.

On motion of Holmes, seconded by Davis, the Board voted unanimously to set October 7, 2002, 4:30 p.m., as the date and time for a public hearing on the LLEBG and accepted the recommendation of the LLEBG Advisory Board to use the funds for enhanced security at the Courthouse.

Budget Amendment – Cooperative Extension

Jane Leonard told the Board that the Cooperative Extension 4H program has received a grant for \$5,640 from United Way. These funds will be used for program cost involved with the 4H program.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve Budget Amendment #6, as follows:

General Fund - #6	
Revenues	Increase
Miscellaneous	\$5,640
Appropriations	Increase
Cooperative Extension Service	\$5,640

Budget Amendment – Asheboro City Schools (ADM Funds)

Jane Leonard, Deputy Finance Officer, told the Board that the Asheboro City Schools had been approved to receive \$597,482 from the State Public School Building Capital Fund. This money is to be used for the

construction of a multi-purpose building, a classroom connector and a parking lot addition at Lindley Park Elementary School. A budget amendment needs to be made to reflect this appropriation

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve Budget Amendment #7, as follows:

General Fund - #7	
Revenue	Increase
<i>Restricted Intergovernmental</i>	\$597,482
Appropriations	Increase
<i>Education</i>	\$597,482

At 6:00 p.m. the Board recessed until 6:30 p.m.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Administrator, presented the following requests, and Chairman Kemp opened the public hearing for comments on each request and closed it before taking action on each request.

1. ROBERT BALDWIN, Ramseur, is requesting that 3 acres (out of 54.73 acres) at 2454 NC Hwy 49, Columbia Township, be rezoned from RA to LI/CU for a trucking/hauling business in an existing 40 x 60 building, a 10,000-gallon aboveground fuel tank and a parking area of approximately 2 acres for 10 trucks and employees. The Planning Board recommended unanimously that this request be approved with the condition that all state sedimentation laws be met prior to obtaining building permits.

Robert Baldwin, applicant, said he lives on the property. His trucks go out in the morning and come back in the evening. He wants to install the fuel tank so he can buy fuel in bulk at discounted prices.

Kathlene Fogleman, 2252 NC Hwy 49 North, stated that she is not necessarily opposed, but she does have concerns about the possibility of water and soil contamination from the large fuel tank.

Commissioners told Ms. Fogleman that the USDA inspects these tanks; Mr. Baldwin is required to report any spills; and this type tank is double-hulled to contain any leaks.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of Robert Baldwin with the condition that all state sedimentation laws be met prior to obtaining building permits.

2. HARVEY & JOAN HAMMOND, Asheboro, North Carolina, are requesting that 1 acre (out of 4.67 acres) on the corner of Union Church Road and Old Hwy 49 South, Cedar Grove Township, be rezoned from RR to RBO-CU for a convenience store. The Planning Board recommended unanimously that this request be approved as consistent with the Growth Management Plan.

No one spoke.

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the request of Harvey & Joan Hammond.

3. HOYLE & ESTHER SYKES, JR., Archdale, are requesting that 17 acres on W.O.W. Road (Woods Mobile Home Park), Franklinville Township, be rezoned from RM to RM-CU to allow a 9-lot expansion of the existing mobile home park for a total of 20 lots. The Planning Board recommended unanimously

that this request be approved with the condition that a 25-ft. buffer along all sides with plantings be required where necessary.

Hoyle Sykes, applicant, stated that the original driveway will be expanded to 45' to meet state standards and that he will plant evergreens around the perimeter.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Hoyle & Esther Sykes, Jr., with the recommended condition of a 25' buffer along all sides with plantings and that the expanded driveway will meet state standards.

- 4. **JESSE AND MARTHA COKE, JR.**, Lexington, are requesting that 1.88 acres at 8358 US Hwy 220 Business North, Level Cross Township, Randleman Lake Watershed, be rezoned from RA to HC-CU for an automotive repair and body shop in an existing 60' x 100' building. The Planning Board recommended unanimously that this request be approved.

No one spoke.

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the request of Jesse and Martha Coke, Jr.

- 5. **IVICA & FEDE SAJFAR**, Asheboro, are requesting that 20.04 acres on High Pine Church Road, High Pine Acres Subdivision, Lot # 5, Union Township, be rezoned from RA to RLOE-CU to allow the redivision of Lot # 5 for the development of a 3-lot subdivision for site-built homes only with a minimum house size of 2,000 sq. ft. The Planning Board recommended unanimously that this request be approved.

No one spoke.

On motion of Frye, seconded by Holmes, the Board voted unanimously to approve the request of Ivica & Fede Sajfar.

- 6. **THOMAS & PEGGY BRITT**, Asheboro, are requesting that 2.93 acres on Highway 64 East (on right past Meadow Road), Franklinville Township, be rezoned from RA to LI-CU to allow a 60' x 100' building for warehouse storage. The Planning Board recommended unanimously that this request be approved.

Thomas Britt, applicant, said he will leave the buffer that is in place.

On motion of Holmes, seconded by Frye, the Board voted unanimously to approve the request of Thomas & Peggy Britt.

Adjournment

The meeting adjourned at 7:00 p.m.

Phil Kemp, Chairman

Darrell L. Frye

J. Harold Holmes

Robert B. Davis

Cheryl A. Ivey, Deputy Clerk to the Board