

MORGAN COUNTY COMMISSION MEETING

The Morgan County Commission of Morgan County, Alabama, convened in a rescheduled meeting on Tuesday, August 8, 2023, at 9:00 a.m. in the Conference Room of the Commission in the Morgan County Commission Office, Morgan County Courthouse, Decatur, Alabama. The following members were present: Chairman Ray Long; Commissioners Randy Vest, Don Stisher and Greg Abercrombie. Also present: Greg Bodley, County Engineer; David Langston, County Attorney; Julie Reeves, Chief Administrative Officer; Jessica Smith, Deputy Chief Administrative Officer; Mike Wetzel, Communications Director; Laura Vest, Business Services Coordinator. Absent: Jeff Clark, Commissioner. Mrs. Reeves and Mrs. Vest acted as clerks of the Meeting. Mr. Vest offered the prayer and Pledge of Allegiance. Mrs. Reeves called roll and stated that a quorum was present. The Chairman declared the Meeting open for the transaction of business.

VISITORS

Heather McIngvale, Morgan County Sheriff's Office
Nathan Tomberlin, Pugh Wright McAnally
Jennifer Hempfling, Morgan County EMA
George Hill, Morgan County IT

AGENDA

The Agenda for the meeting of Tuesday, August 8, 2023, had been presented to the Commission for review.

After due consideration, it is therefore ordered by the Commission on motion of Mr. Don Stisher, seconded by Mr. Greg Abercrombie, and unanimously carried that there being no further additions or corrections to the above listed agenda; it is hereby approved.

MINUTES

The Minutes of the meeting held on Thursday, July 27, 2023, had been presented via email to the Commission for review.

After due consideration, it is therefore ordered by the Commission on motion of Mr. Randy Vest, seconded by Mr. Don Stisher, and unanimously carried that there being no further additions or corrections to the above referenced Minutes; they are hereby approved.

OLD BUSINESS:

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO ACCEPT BID FROM VSC FIRE AND SECURITY, INC. AS LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS FOR FIRE PROTECTION SERVICES FOR MORGAN COUNTY FACILITIES.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Randy Vest, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-437

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to accept bid from VSC Fire and Security, Inc. as lowest responsive bidder meeting specifications for fire protection services for Morgan County facilities, this the 8th day of August 2023.

ADOPT RESOLUTION RESCINDING RESOLUTION 23-237 AND AUTHORIZE THE CHAIRMAN TO ACCEPT QUOTE FROM SOUTHWEST GREENS FOR NEW ARTIFICIAL TURF FOR THE ANIMAL SERVICES BUILDING IN THE AMOUNT OF \$15,040.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-438

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby rescind Resolution 23-237 and authorize the Chairman to accept quote from Southwest Greens for new artificial turf for the Animal Services building in the amount of \$15,040, this the 8th day of August 2023.

NEW BUSINESS:**DISCUSS FISCAL YEAR 2023-2024 BUDGET****ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO SOLICIT SEALED BIDS FROM THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS FOR THE FOLLOWING ITEMS:**

- **GUARDRAIL (PUBLIC WORKS BID FY2024)**
- **BITUMINOUS SURFACE TREATMENT (PUBLIC WORKS BID FY2024)**
- **TRAFFIC STRIPE AND MARKERS (PUBLIC WORKS BID FY2024)**
- **HOT BITUMINOUS PLANT MIX - IN-PLACE (PUBLIC WORKS BID FY2024)**
- **HOT BITUMINOUS PLANT MIX – PLACEMENT (PUBLIC WORKS BID FY2024)**
- **HOT BITUMINOUS PLANT MIX – MIX ONLY (COMPETITIVE BID FY2024-FY2026)**
- **BULK GASOLINE AND DIESEL (COMPETITIVE BID FY2024-FY2026)**
- **CONCRETE PIPE (COMPETITIVE BID FY2024-FY2026)**
- **POLY PIPE (COMPETITIVE BID FY2024-FY2026)**
- **STONE (COMPETITIVE BID FY2024-FY2026)**
- **OTHER TERMINATED ANNUAL BID ITEMS (COMPETITIVE BID FY2024-FY2026)**

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-439

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to solicit sealed bids from the lowest responsive bidder meeting specifications for the following items, this the 8th day of August 2023:

- Guardrail (Public Works Bid FY2024)
- Bituminous Surface Treatment (Public Works Bid FY2024)
- Traffic Stripe and Markers (Public Works Bid FY2024)
- Hot Bituminous Plant Mix - In-Place (Public Works Bid FY2024)
- Hot Bituminous Plant Mix – Placement (Public Works Bid FY2024)
- Hot Bituminous Plant Mix – Mix Only (Competitive Bid FY2024-FY2026)
- Bulk Gasoline and Diesel (Competitive Bid FY2024-FY2026)
- Concrete Pipe (Competitive Bid FY2024-FY2026)
- Poly Pipe (Competitive Bid FY2024-FY2026)
- Stone (Competitive Bid FY2024-FY2026)
- Other Terminated Annual Bid Items (Competitive Bid FY2024-FY2026)

ADOPT RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO SUBMIT A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PURSUANT TO ALABAMA LEGISLATIVE ACT NUMBER 2023-1 FOR STORMWATER MANAGEMENT SOLUTIONS ON THE MORGAN COUNTY ROAD SYSTEM AND OBLIGATE THE 35% REQUIRED MATCHING FUNDS

AND/OR OTHER RESOURCES TO BE USED FOR THE SELECTED STORMWATER CONSTRUCTION PROJECTS.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Randy Vest, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-440

**COUNTY OF MORGAN
STATE OF ALABAMA**

WHEREAS, the County Commission of Morgan County, Alabama (the "Commission") is desirous of constructing or improving, by force account, by contract or both, stormwater management solutions on the sections of roads included in the Morgan County Road System and to be defined in the application packet being prepared and submitted by the Morgan County Engineer.

WHEREAS, Ala. Acts, Act No. 2023-1, allocated a portion of the State's American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds to be provided as state wide matching grants for investments in water and sewer projects eligible under 31 CFR 35.6 (e)(1)(i),(ii), (iii), and (v), to include stormwater projects; and

WHEREAS, the Alabama Department of Environmental Management ("ADEM") is charged with the administration of the award of these funds to counties and other eligible entities; and

WHEREAS, ADEM has announced the availability of these funds for matching grants; and

WHEREAS, the Commission intends to apply to ADEM for matching grant funding for the construction of stormwater projects; and

WHEREAS, the Commission wishes to commit sufficient funds and/or other resources up to \$162,000.00 to satisfy the thirty-five percent required local match for this grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION as follows:

1. The Commission hereby authorizes the submission of the grant application described herein and agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project and the award of grant funds by ADEM for the project.
2. The Commission further allocates and authorizes the thirty-five percent matching funds and/or other resources plus other funds and/or other resources in excess of the thirty-five percent match plus Grant Funds as defined in the grant application covering the submitted project construction cost.

IN WITNESS WHEREOF, the Morgan County Commission has caused this Resolution to be executed in its name and on its behalf by its chair on the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE THE BARON THREAT NET LICENSE AGREEMENT ON BEHALF OF THE MORGAN COUNTY EMERGENCY MANAGEMENT AGENCY FOR WEB-BASED, WEATHER DATA SOFTWARE AND LICENSE FOR A PERIOD OF 60-MONTHS WITH AN ANNUAL FEE OF \$2,211 BEGINNING AUGUST 1, 2023 THROUGH JULY 31, 2028.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-441

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to execute the Baron Threat Net License Agreement on behalf of the Morgan County Emergency Management Agency for web-based, weather data software and license for a period of 60-months with an annual fee of \$2,211 beginning August 1, 2023 through July 31, 2028, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO ACCEPT QUOTE FROM DECATUR ELECTRONICS COMMUNICATIONS, LLC FOR UPDATE TO COUNTY OUTDOOR WARNING SIRENS UTILIZING SOURCEWELL COOPERATIVE CONTRACT #090122-WHL IN THE AMOUNT OF 25,745.85.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Randy Vest, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-442

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to accept quote from Decatur Electronics Communications, LLC for update to county outdoor warning sirens utilizing Sourcewell Cooperative Contract #090122-WHL in the amount of 25,745.85, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO APPROVE AND SIGN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DECATUR AND MORGAN COUNTY WHEREBY THE CITY OF DECATUR AGREES TO PROVIDE THE COUNTY \$7,226 FROM THE 2023-2024 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD FOR THE PURCHASE OF (7) TAC HELMETS, (10) COMMS, (22) UNIFORMS, (1) BULLET CATCHER, AND NIBRS TRAINING FOR THE MORGAN COUNTY SHERIFF'S OFFICE.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-443

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to approve and sign the Interlocal Agreement between the City of Decatur and Morgan County whereby the City of Decatur agrees to provide the County \$7,226 from the 2023-2024 Byrne Justice Assistance Grant (JAG) Program Award for the purchase of (7) Tac Helmets, (10) Comms, (22) Uniforms, (1) Bullet Catcher, and NIBRS training for the Morgan County Sheriff's Office, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AGREEMENTS ON BEHALF OF SHERIFF RON PUCKETT WITH THE TOWN OF FALKVILLE, TOWN OF SOMERVILLE, CITY OF PRICEVILLE, TOWN OF TRINITY AND THE CITY OF HARTSELLE FOR A ONE (1) YEAR AGREEMENT TO PROVIDE SPACE AND SERVICES AT THE MORGAN COUNTY JAIL FOR HOUSING MUNICIPAL PRISONERS AT A RATE OF \$41.00 PER RESIDENT DAY EFFECTIVE OCTOBER 1, 2023 THOUGH SEPTEMBER 30, 2024 AND OPTION TO RENEW FOR ADDITIONAL ONE (1) YEAR TERM WITH 5% RATE INCREASE.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-444

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to execute agreements on behalf of Sheriff Ron Puckett with the Town of Falkville, Town of Somerville, City of Priceville, Town of Trinity and the City of Hartselle for a one (1) year agreement to provide space and services at the Morgan County Jail for housing municipal prisoners at a rate of \$41.00 per resident day effective October 1, 2023 though September 30, 2024 and option to renew for additional one (1) year term with 5% rate increase, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE COMMISSION TO APPROVE A MAJOR MODIFICATION TO INCREASE THE MAXIMUM AVERAGE DAILY VOLUME OF WASTE DISPOSED FOR THE DECATUR-MORGAN COUNTY LANDFILL, PERMIT NO. 52-03.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-445

A RESOLUTION APPROVING A MAJOR MODIFICATION TO INCREASE THE MAXIMUM AVERAGE DAILY VOLUME OF WASTE DISPOSED FOR THE DECATUR-MORGAN COUNTY REGIONAL LANDFILL PERMIT NO. 52-03

WHEREAS, the City of Decatur, Alabama and Morgan County, Alabama has previously adopted a Solid Waste Management Plan; and

WHEREAS, said request does not affect the current waste type, waste stream or the current waste volume permitted as said location; and

WHEREAS, the existing landfill is within the county limits and therefore the jurisdiction of Morgan County, Alabama.

WHEREAS, in accordance with Section 22-27-48, Code of Alabama, 1975, the local government having jurisdiction must approve such extensions in order to submit a permit application to the Alabama Department of Environmental Management ("ADEM"); and

WHEREAS, after the requisite public notice was provided, a public hearing was held on the 7th day of August 2023, regarding the permitting and use of lands owned by the City of Decatur and Morgan County; and

WHEREAS, the City of Decatur and Morgan County Commission recognizes that only ADEM can issue a permit for a Major Modification to increase the maximum average daily volume of waste disposed for the Decatur-Morgan County Regional Landfill Permit No. 52-03.

WHEREAS, the City of Decatur and Morgan County Commission has also considered the following:

1. Approval to increase the maximum average daily volume of waste disposed at the Decatur-Morgan County Landfill from **1500 tons/day** to **3000 tons/day**.

NOW, THEREFORE, be it RESOLVED by the Morgan County Commission, Decatur, Alabama, as follows:

The Commission finds and declares as the legislative body of Morgan County, Alabama, that it is in the best interest of the citizens of the City/County to approve the increased maximum average daily volume of waste disposed at the Decatur-Morgan County Landfill Permit No. 52-03, with no changes to the current waste type permitted waste stream or waste volume permitted by ADEM.

DONE this 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH KENT SANDERS, DOING BUSINESS AS ICY DOES IT SHAVED ICE, TO PROVIDE CONCESSION SERVICES FOR MORGAN COUNTY PARKS.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-446

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to enter into an agreement with Kent Sanders, doing business as Icy Does It Shaved Ice, to provide concession services for Morgan County Parks, this the 8th day of August 2023.

ADOPT RESOLUTION APPROVING THE EMERGENCY PROCEDURES GUIDE FOR THE MORGAN COUNTY SERVICE CENTER FACILITIES.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-447

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve the Emergency Procedures Guide for the Morgan County Service Center facilities, this the 8th day of August 2023.

ADOPT RESOLUTION DESIGNATING ALL MORGAN COUNTY BANKS AS DEPOSITORIES FOR FISCAL YEAR 2023-2024 FOR THE PROBATE OFFICE AS REQUESTED BY GREG CAIN, PROBATE JUDGE.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Randy Vest, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-448

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby designate all Morgan County banks as depositories for Fiscal Year 2023-2024 for the Probate Office as requested by Greg Cain, Probate Judge, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO GRANT LEAVE WITHOUT PAY FOR DOMINIQUE COLEMAN FOR THE PERIOD JULY 30, 2023 THROUGH AUGUST 9, 2023, AS REQUESTED BY SHERIFF RON PUCKETT.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Randy Vest, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-449

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to grant Leave Without Pay for Dominique Coleman for the period July 30, 2023 through August 9, 2023, as requested by Sheriff Ron Puckett, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE APPROPRIATE ELECTED OFFICIAL/DEPARTMENT HEAD, TO FILL THE FOLLOWING POSITIONS:

- **RESIDENTIAL TRUCK DRIVER, GRADE B02 (\$15.91-\$20.48) – RECYCLING**
- **CUSTODIAN, GRADE B01 (\$14.66-\$18.87) – MAINTENANCE**
- **EMA SPECIALIST: ADMIN AND OUTREACH, GRADE A04 (\$18.64-\$23.99) – EMERGENCY MANAGEMENT**
- **EMA DIRECTOR, GRADE E01 (\$27.50-\$35.31) – EMERGENCY MANAGEMENT**

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-450

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the appropriate elected official/department head, to fill the following positions:

- Residential Truck Driver, Grade B02 (\$15.91-\$20.48) – Recycling
- Custodian, Grade B01 (\$14.66-\$18.87) – Maintenance
- EMA Specialist: Admin and Outreach, Grade A04 (\$18.64-\$23.99) – Emergency Management
- EMA Director, Grade E01 (\$27.50-\$35.31) – Emergency Management

this the 8th day of August 2023.

**ADOPT RESOLUTION AMENDING THE FOLLOWING SECTIONS OF THE
MORGAN COUNTY POLICIES AND PROCEDURES HANDBOOK:**

- **CHAPTER 13, DRUG AND ALCOHOL ABUSE POLICIES AND PROCEDURES**
- **CHAPTER 14, EMPLOYEE WORKPLACE HEALTH AND SAFETY, USAGE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A VEHICLE OR EQUIPMENT POLICY**
- **CHAPTER 14, EMPLOYEE WORKPLACE HEALTH AND SAFETY, USAGE OF SEAT BELTS WHILE DRIVING OR OPERATING A VEHICLE OR EQUIPMENT POLICY**

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-451

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby amend the following sections of the *Morgan County Policies and Procedures Handbook*, this the 8th day of August 2023:

- Chapter 13, Drug and Alcohol Abuse Policies and Procedures
- Chapter 14, Employee Workplace Health and Safety, Usage of Wireless Communication Devices While Driving or Operating a Vehicle or Equipment Policy
- Chapter 14, Employee Workplace Health and Safety, Usage of Seat Belts While Driving or Operating a Vehicle or Equipment Policy

Chapter 13, Drug and Alcohol Policies and Procedures

Effective date: October 1, 2012

Revised: August 8, 2023

GENERAL STATEMENT OF POLICY

Morgan County is committed to providing a safe working environment for all employees while serving the citizens of Morgan County. Morgan County recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or herself, his or her coworkers, and to the public in general. Even small quantities of narcotics, abused prescriptions or over-the-counter drugs or alcohol can impair judgement and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of Morgan County that all employees or any person performing any kind of work for Morgan County must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substance that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgement, reaction time, or function.

Morgan county also prohibits all employees from using, possessing, manufacturing, distributing, selling, purchasing, or making arrangements to distribute, sell or purchase alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any county property.

In order to provide the safest workplace possible, employees should inform their supervisor if they are taking any medications, prescription or over-the-counter, which may affect their ability to work safely or to otherwise safely and competently perform their job duties. Employees who are taking medications that may impact their ability to work safely or competently may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this Policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including termination.

No part of this Policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. Morgan County maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling.

Morgan County has designated the Human Resources Director as the Drug Program Coordinator. If you have any questions or concerns regarding this Policy or its application, please contact Human Resources Director at 256.351.4730.

DEFINITIONS

Accident – means any on the job accident. “Accident” includes vehicular accidents as well as any acts or omission causing an accident or injury to any person, or damage to any equipment or property.

Administrator – means the person or entity that implements drug testing on employees and applicants.

Alcohol – means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.

Chain of Custody – means procedures implemented by the County for the identification and integrity of each urine specimen. Morgan County requires [person responsible for policy implementation] to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.

Collector – means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

Collection Site – means a place designated by Morgan County where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substance and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and the transportation or shipment of the samples to a laboratory.

Controlled Substance – means any substance defined or classified as a controlled substance according to Federal or State law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana and its derivatives regardless of how obtained, and any stimulants or hallucinogens, that are subject to legal prohibitions or restrictions on their sale, and purchase, transfer, use or possession of which are prohibited or restricted by law.

County – means Morgan County

DOT Employee – is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he or she performs.

Drug Program Coordinator – is the person designated by the County to ensure compliance with this Policy, including, but not limiting, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the County are properly certified, and ensuring that the Medical Review Officer is properly credentialed. The name and contact information of the Drug Program Coordinator will be distributed to all employees.

Employer Premises – includes all property owned, leased, used or under the control of Morgan County, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.

Employee – means any and all employees of Morgan County.

Illegal / Unauthorized Drug – means any drug (A) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the-counter, on the drug’s label; or (B) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.

Intoxicating Substance – means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, “bath salts,” nitrous oxide, glues, solvents, or herbs or other plants such as salvia.

Legal Drug – means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by employee’s treating physician.

Possession – means actual or constructive care, custody, control or immediate access.

Under the Influence – means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public and / or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee’s body.

Medical Marijuana – refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.

Medical Review Officer (MRO) – means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his / her medical history and any other relevant biomedical information.

Random Selection Process – is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.

Reasonable Cause – means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

Safety-Sensitive Employees – are those persons who are subject to random drug and alcohol testing. See Attachment “A” for a detailed listing of the positions which the Employer has designated as “safety-sensitive.” These employees include, but are not limited to, persons who inspect, service, repair or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person, and those who are authorized to carry weapons of any kind. An employee is engaged in a safety-sensitive function at all times from the time that an employer begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work.

PERSONS SUBJECT TO TESTING

The following employees have been designated by Morgan County to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- All employees who hold positions or regularly perform duties that have been designated to be “safety sensitive “by the County and who have been randomly selected for testing.
- Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property.
- Any employee, regardless of whether he or she holds a safety sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any, drug and / or alcohol while performing his or her job duties, or while being physically present on the premises of the County’s property during any activity sponsored, supervised, or in which Morgan County participates.

TYPES OF TESTING

Pursuant to Morgan County’s policy and procedures, employees will undergo testing as follows:

1. **PRE-EMPLOYMENT TESTING:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non-safety-sensitive position to a safety sensitive position.
2. **RANDOM TESTING:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.
3. **REASONABLE CAUSE TESTING:** Morgan County may schedule a drug / alcohol test when behavioral observations indicate to the employee’s supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee’s supervisor shall either (a) contact another supervisor to observe the employee’s behavior and to concur with the decision to test the employee, or (b) review the employee’s behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee’s supervisor or designee.
 - A. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the County in determining fitness for duty. If the employee tests positive, the County shall discharge the employee subject to due process.
4. **POST-ACCIDENT TESTING:** All employees are required to report all injury or damage related accidents or any accident in which the driver receives a citation and submit to a post-accident drug / alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee’s supervisor or his designee shall schedule the drug screening test immediately following an incident reportable or a reportable accident.

5. **RETURN-TO-DUTY TESTING:** If you have violated the prohibited drug and alcohol rules, you must take and pass a drug and alcohol test before being returned to work. Further, any person who has violated the prohibited drug and alcohol rules is required to take a drug and / or alcohol test before returning to safety-sensitive functions for any DOT regulated employer and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety-sensitive service.

Any and all drug testing conducted by Morgan County will not be used to identify the existence of any disability.

In the event there is reasonable suspicion of a violation of this policy, the County also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought onto Morgan County's property, or any other property on County's property, under control of any employee or in the personal vehicle of any employee, and located on Morgan County's property and used by said employee in commuting to work or in that employee's duty as an employee if the employer has a reasonable suspicion that items prohibited by this policy are contained therein.

SAFETY-SENSITIVE EMPLOYEES

Employees are considered to be "safety-sensitive" when their job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include but are not limited to:

- Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, and riding mowers. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters.
- Regularly operate motor vehicles or heavy equipment as part of his or her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama.
- Regularly operate tools that have the capacity to seriously injure the user or another person.
- Loading and unloading vehicles or heavy equipment.
- Any activity related to the safe operation of a mass transit system, including dispatching vehicles.
- Carrying any weapon or object that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers, or batons.
- Answering emergency calls and / or directing the provision of emergency services.
- Providing emergency medical services.

A list of positions that have been designated as safety-sensitive by Morgan County is attached hereto as Attachment A. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety-sensitive duty, just before, or just after the performance of a safety sensitive duty.

Medical marijuana prescribed pursuant to State law is not a valid medical explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law shall inform employer of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on individual circumstances; however, failure to properly report will result in termination for cause.

In addition, employees occupying positions deemed to be "safety-sensitive" must promptly report any arrests, charges, or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his or her supervisor. **FAILURE TO REPORT SUCH ARRESTS, CHARGES, OR CONVICTIONS MAY BE GROUNDS FOR DISCIPLINE, UP TO AND INCLUDING DISMISSAL.**

NECESSITY OF COMPLIANCE WITH TESTING REQUIREMENTS

All employees are subject to reasonable suspicion and post-accident testing as a condition of their employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation as a condition of their employment.

Any employee who refuses to take a drug and / or alcohol test to which he or she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from their duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

Refusals can include a variety of behaviors, including as follows:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by Morgan County;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen for any required drug test;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient amount of urine or other specimen when directed without an adequate medical explanation for this failure;
- Failure to take a second test when directed to do so by the County or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or employer;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Failure to sign step 2 of the alcohol test form;
- Leaving the scene of an accident without a valid reason before post-accident tests have been completed; and
- Failure to remain "readily available."

OFF-DUTY CONDUCT

Off-the-job use of drugs, alcohol, or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the County's image, tasks, or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

PRESCRIPTION DRUGS AND INTOXICATING SUBSTANCES

The proper use of medication prescribed by a physician is not prohibited; except that safety-sensitive employees may not use medical marijuana; however, employer prohibits the misuse of prescribed and / or over-the-counter medications or other intoxicating substances. Employer requires all employees using a controlled substance or any medication that may affect their job performance to notify the Employer's Medical review Officer (MRO), or their Drug Program Coordinator of their use. Medications that may be considered to affect their job performance include any medication that include a warning that it may cause drowsiness, dizziness, or otherwise interfere with performance or cognition. A safety-sensitive employee may not work using any such medication or any controlled substances unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his or her job. All employees should be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including, but not limited to, products containing CBD oils, may cause a positive test result. The use of such products may not provide a medical justification for a positive test result.

PRE-EMPLOYMENT

All safety-sensitive applicants shall undergo urine drug testing prior to performing safety-sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by the County of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he / she cannot be hired for a safety-sensitive position.

A negative result on a pre-employment test by a job applicant is valid for thirty days. If a current covered employee has not performed a safety-sensitive duty for 90 days or longer, and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random drug testing pool for more than 30 days.

An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo preemployment / reclassification drug testing prior to their employment and that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. Morgan County will retain on file the negative drug test results of all new hires.

In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of successfully having completed a referral, evaluation, and treatment plan.

REASONABLE CAUSE

All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence, or other violations of the drug or other Commission policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee, or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone, to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Upon the reasonable suspicion determination being made, the County shall ensure that the employee is transported immediately to a collection site for the collection of a specimen sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least sixty (60) minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and / or alcohol test will be terminated.

RANDOM TESTING

Morgan County will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool. DOT employees employed in the transportation system will only be subject to random testing through their department requirements.

Employees will be required to report to the designated collection site for testing as soon as possible but in no case later than two (2) hours following notification. Failure to report for drug / alcohol screening within two (2) hours of notification will be treated as a positive test result.

POST-ACCIDENT TESTING

Employees are required to immediately notify their supervisor or his designee of any accident or incident resulting in injury, illness or damage to any property or personnel.

Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and / or alcohol within 2 hours of the incident/accident.

Employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality, but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time property damage occurs; or (3) any time an individual is injured.

After notification of any accident, the County will arrange for the employee to be taken as soon as practicable to collection site designated by the County. The supervisor or designee will schedule the employee and assure that he / she is tested the same day as the reportable accident. Any employee involved in an accident out of town or state, will make all reasonable steps to comply with this policy.

If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance until he / she submits to an alcohol and drug test. The employee must go directly to the collection site designated by the County to undergo urine drug and breath alcohol testing immediately after being released from the incident scene.

An employee who is subject to post-accident testing must remain available and follow these guidelines, or the County may consider the employee to have refused to submit to testing.

The Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall insure that an Accident Report is filed in compliance with Commission Policy and applicable laws and regulations.

If there is any question about whether testing is needed, please contact the Drug Program Coordinator immediately at (256)351-4730.

GENERAL TESTING PROCEDURES

Morgan County will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

1. All testing procedures, including collections, will be performed by certified technicians and / or laboratories.
2. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by the County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification, or identification by a County representative.
3. The Employee shall complete a drug testing custody and control form.
4. The Drug Program Coordinator or their designee shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings.
5. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within 72 hours after notification of a positive sample that he / she desires a retest under this provision.

6. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative, and no sanctions will be imposed.
7. All persons who receive information for the County regarding drug tests shall maintain this information on a confidential basis.
8. In the event the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including, but not limited to, Oral Fluid Testing, Morgan County reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.

Both Morgan County and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

SUBSTANCES TESTED FOR

DOT employees will regularly be tested for:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines (including, when appropriate, amphetamine, methamphetamine, MDMA, and MDA.)
- Opiates (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone)
- Phenyfedine (PCP)
- Alcohol

Non-DOT-employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the Morgan County for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

COLLECTION SITES

Morgan County will designate a collection site in a reasonably accessible location.

COLLECTION PROCEDURES

Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification, and integrity is not compromised.

Split specimen procedures:

1. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen.
2. Both bottles are sent to a laboratory.
3. Only "primary" specimen is opened and used for analysis.
4. "Split" specimen remains sealed and stored at the laboratory.
5. +request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis.
6. If it is positive for one or more of the drugs then a continuation test is performed for each drug using state-of-the-art gas chromatography / mass spectrometry ("GC / MS") analysis.
7. GC / MS confirmation ensures that over-the-counter medications or prescriptions are not reported as positive results.

Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait period.

DIRECT OBSERVATION

Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

1. All return-to-duty tests;
2. All follow-up tests;
3. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;
4. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
5. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
6. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result;
7. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her shirt, blouse, or dress / skirt as appropriate, above the waist, lower clothing and underpants, and turn around completely at the direction of the observer in order to show that he or she is not wearing any prosthetic device.

Where necessary, a County representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

ALCOHOL TESTING PROCEDURES

All employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty. A BAC of 0.04 will be accepted as presumptive evidence of intoxication.

Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety-sensitive employees are also subject to random alcohol testing. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from the safety-sensitive duties for a period of at least twenty-four (24) hours.

All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

EVALUATIONS AND RETURN OF RESULTS

The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

REQUEST FOR RETEST

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

RELEASE OF TEST RESULTS

Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the employer, the drug testing laboratory, and the medical review officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation, or administrative proceedings arising from a positive drug test.

However, all employees will be required to execute a consent / release form permitting the County to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent / release form permitting Morgan County to review records of previous drug and alcohol testing information.

RETENTION OF RECORDS

All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing, or tampering with records. The following records will be maintained:

Records related to the collection process, including:

1. Collection logbooks, if used.
 - a. Documents relating to the random selection process.
 - b. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests.
 - c. Documents generated in connection with decisions on post-accident drug and alcohol testing.
 - d. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breathe sample.
2. Records related to test results:
 - a. The County's copy of the custody and control form.
 - b. Documents related to the refusal of any employee to submit to a test
 - c. Documents presented by an employee to dispute the result of a test
3. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
4. Records related to employee training:
 - a. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse.
 - b. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training.
 - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion.
 - d. Certification that any training conducted under this part complies with the requirements for such training.
5. Copies of any annual MIS reports submitted to FTA.

The following records will be maintained for no less than five (5) years: Records of verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, referrals to the substance abuse professional, and copies of annual MIS reports submitted to FTA.

The following records will be maintained for no less than two (2) years: records related to the collection process and employee training.

The following records will be maintained for no less than one (1) year: records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three (3) years after an accident.

EMPLOYEE EDUCATION AND TRAINING

~~Morgan County will provide written information in drug / alcohol use and treatment resources to safety sensitive employees. The County will provide one hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.~~

EMPLOYMENT ASSESSMENT

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and / or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of

and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

EMPLOYEE ASSISTANCE PROGRAMS (EAP)

1. Education and training for employees regarding drugs and alcohol.
2. Education and training for Supervisors regarding drugs and alcohol, including:
 - a. Effects and consequences of substance use on personal health, safety, and work.
 - b. Manifestations and behavioral causes that may indicate substance use.
 - c. Documentation of training provided.
3. A written statement on file and available at the Commission office outlining the EAP.
 - a. A \$600 per employee is maximum coverage provided by Morgan County EAP during any given 12-month period.
 - b. Employee requesting use of this benefit is to request this through their Elected Official / Department Head. This request should be forwarded to the Commission Office for final approval. Upon approval the Commission Office will contact the EAP Provider, Elected Official / Department Head and employee.

The Drug Program Coordinator or his designee should be contacted for further guidance.

INVESTIGATION / SEARCHES

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he / she may inspect vehicles which an employee brings on the Commission's property, lockers, work areas, desks, purses, briefcases, tool boxes, or other belongings, and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator or their designee will do so for him / her. The Commission may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Drug Program Coordinator or his designee.

SYSTEM CONTACTS Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

Designated Employer Representative / Program Manager:

Title: Chief Administrative Officer
Address: Morgan County Commission, 302 Lee Street, Decatur, AL 35601
Phone: 256.351.4735

Drug Program Coordinator:

Title: Human Resources Director
Address: Morgan County Commission, 302 Lee Street, Decatur, AL 35601
Phone: 256.351.4730

SAMHSA Certified Laboratory

ATN, Memphis, TN
Quest, Huntsville, AL

Medical Review Officer:

Dr. Jack Heath
Decatur Morgan Occupational Medicine
1874 Beltline Road SW
Decatur, AL 35603
Phone: 256-973-4325

Dr. Joseph Sentef
Cullman Regional Hartselle Health Park
1549 Hwy 31 NW

Hartselle, AL 35640
Phone: 256-735-5920

Substance Abuse Professionals

Primary SAP: Barry Hooie
Agency: Decatur Morgan Hospital West
Address: 1615 Kathy Lane SE, Decatur, AL 35603
Telephone Number: 256-306-4000

Attachment A

All positions were reviewed for safety-sensitive duties, as defined in 49 CFR part 655, by the appropriate elected officials/department heads to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties.

The following positions were determined to be safety-sensitive:

SAFETY-SENSITIVE CLASSIFICATIONS

ANIMAL CONTROL

Director Animal Control
Animal Control Officer

COMMISSION

Business Service Coordinator

COMMISSION ON AGING

Director Commission on Aging
Administrative Assistant
Site Manager
P/T Driver/Assistant Site Manager

DISTRICTS

Foreman*
Equipment Operator *
Senior Equipment Operator *
District Shop Laborer
Mechanic*
Administrative Assistant

EMA

Director EMA
EMA Specialist

ENGINEERING

County Engineer
Assistant Engineer
Engineer Assistant I
Engineer Assistant II

ENVIRONMENTAL

Solid Waste Manager
Route Supervisor *
Mechanic -Environmental*
Driver -Environmental*
Driver II —Environmental*
Litter Control Assistant
Residential Driver*

INFORMATION TECHNOLOGY

Director IT
IT Support Specialist
IT Network Security Administrator
IT Support Technician

JUVENILE PROBATION

Chief Probation Officer
Juvenile Probation Officer

LICENSE

Deputy License Commissioner
Administrative Assistant
Chief Clerk

MAINTENANCE

Building Superintendent
Assistant Superintendent
Maintenance Worker
Maintenance Worker II
Custodian
Custodial Lead Person
Custodial Supervisor
Mail Room Administrative Assistant

PARK AND RECREATION

Director Park and Recreation
Park Superintendent
Groundskeeper
Maintenance Worker

PROBATE

Chief Clerk
Deputy Chief Clerk

REVENUE

Deputy Revenue Commissioner
Chief Appraiser
Assistant Chief Appraiser
Real Property Appraiser I, II, III
Personal Property Appraiser I, II, III

SAFETY

Safety Coordinator

SALES TAX

Director Sales Tax
License Inspector

SHERIFF'S OFFICE / JAIL

Chief Deputy
Captain
Lieutenant
Sergeant
Deputy
Corporal
Process Server
Investigator
IT Systems Administrator
IT Support Technician
Evidence Technician
Task Force
Mechanic
Corrections Officer
Corrections Officer II
Maintenance
Warden
Detention Supervisor
Detention Supervisor- Sergeant

Detention Supervisor – Corporal
 Detention Supervisor—Lieutenant
 Corporal – Inmate Services
 Jail Staffing Specialist
 Accounting Specialist
 Bookkeeper
 Administrative Clerk I & II
 Personnel Clerk
 Administrative Support Specialist
 Public Information Officer
 Records Clerk
 Reserve Program Members

* Safety-sensitive positions specifically subject to regulation by the Department of Transportation (DOT)

Chapter 14, Employee Workplace Health and Safety, Usage of Wireless Communication Devices While Driving or Operating a Vehicle or Equipment Policy

Employees are prohibited from using any cell phone, two-way radio, PDA, tablet, iPad, or any other wireless communication system (whether or not it is owned by the county) while:

1. Driving or operating any county-owned vehicle, including off-road heavy equipment, at any time, to include both working and non-working hours.
2. Driving or operating any vehicle, including off-road heavy equipment, not owned by county while in the performance of his/her duties.
3. Driving or operating any vehicle, including off-road heavy equipment, while engaging in any business related to County operations.

Employees who should utilize cell phones, two-way radios, PDAs, tablets, iPads, or any other wireless communication system should do so only after safely exiting traffic and parking the vehicle safely off the road. The vehicle should remain parked off the roadway until all communication has been completed.

If the Appointing Authority determines the use of such communication and devices is a vital necessity of performing one's job duties, the employees may be authorized to utilize the devices with a hands-free option only.

In no circumstances may a County employee type, text or read any cell phone, two-way radio, PDA, tablet, iPad, or any other wireless communication system while operating any vehicle or equipment as described herein.

Employees who violate this policy and are involved in accidents or charged with traffic violations caused by or resulting from the use of a cell phone, two-way radio, PDA, tablet, iPad, or any other wireless communication system while driving, are solely responsible for liabilities that result from such actions and are acting outside the line and scope of their duties.

In addition to compliance with this policy, all employees are expected to follow applicable state, federal and local laws or regulations regarding the use of cell phones, two-way radios, PDAs, tablets, iPads, and any other wireless communication system at all times.

Discipline: Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Chapter 14, Employee Workplace Health and Safety, Usage of Seat Belts While Driving or Operating a Vehicle or Equipment Policy

Morgan County recognizes that seat belts are extremely effective in preventing injuries and fatalities in motor vehicle and heavy equipment accidents. Wearing your seat belt can reduce your risk of dying in a motor vehicle or heavy equipment accident by up to 60%. We care about our employees and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the simple use of a seat belt.

Therefore, our county policy is that all employees should wear seat belts when driving or operating any vehicle or heavy equipment on county business.

All employees and their family members are strongly encouraged to wear seat belts whenever they are driving or riding in any vehicle or heavy equipment at any time. Whether on or off the job, we don't want to see you hurt.

Discipline: Employees who violate this policy will be subject to disciplinary action, up to and including termination.

**ADOPT RESOLUTIONS APPROVING CERTIFICATES TO SUBDIVIDE AND
SUBDIVISION PLAT LOCATED WITHIN MORGAN COUNTY FOR THE
FOLLOWING:**

- **ERIC J. SMITH AND BROOKE M. SMITH
GUM POND ROAD AND EARWOOD ROAD, DISTRICT 3**
- **LEGG PROPERTIES, LLC
SHOAL CREEK ROAD, DISTRICT 2**
- **CHARLES M. CLABORN AND WIFE, MONYA D. CLABORN
BLUFF CITY ROAD, DISTRICT 1**
- **BETTY BURDEN ESTATE REPRESENTATIVE AND HEIRS
GUM POND ROAD AND MARTIN ROAD, DISTRICT 3**
- **THE VILLAGE AT JONES FARM
SUMMERFORD-ORR ROAD AND HIGHWAY 55 WEST, DISTRICT 3**

Mr. Randy Vest, member of the Commission, offered the following resolutions and moved for their adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-452

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve Certificate to Subdivide property located within Morgan County for the following:

- Eric J. Smith and Brooke M. Smith
Gum Pond Road and Earwood Road, District 3

this is the 8th day of August 2023.

RESOLUTION 23-453

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve Certificate to Subdivide property located within Morgan County for the following:

- Legg Properties, LLC
Shoal Creek Road, District 2

this the 8th day of August 2023.

RESOLUTION 23-454

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve Certificate to Subdivide property located within Morgan County for the following:

- Charles M. Claborn and wife, Monya D. Claborn
Bluff City Road, District 1

this the 8th day of August 2023.

RESOLUTION 23-455

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve Certificate to Subdivide property located within Morgan County for the following:

- Betty Burden Estate Representative and Heirs
Gum Pond Road and Martin Road, District 3

this the 8th day of August 2023.

RESOLUTION 23-456

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby approve Subdivision plat located within Morgan County for the following:

- The Village at Jones Farm
Summerford-Orr Road and Highway 55 West, District 3

this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO APPROVE REQUEST FROM GREG ABERCROMBIE, DISTRICT 4 COMMISSIONER, TO PURCHASE ONE (1) 24' MOWERMAX MACHINE WITH BOOM AND RELATED EQUIPMENT FROM COBLENTZ EQUIPMENT & PARTS CO., INC. UTILIZING STATE CONTRACT #MA220000003183, IN THE AMOUNT OF \$241,161.43 TO BE PAID FROM DISTRICT 4 ROAD & BRIDGE FUNDS, AND AMEND BUDGET ACCORDINGLY.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-457

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to approve request from Greg Abercrombie, District 4 Commissioner, to purchase one (1) 24' MowerMax Machine with Boom and related equipment from Coblentz Equipment & Parts Co., Inc. utilizing state contract #MA220000003183, in the amount of \$241,161.43 to be paid from District 4 Road & Bridge funds, and amend budget accordingly, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO APPROVE REQUEST FROM RANDY VEST, DISTRICT 2 COMMISSIONER, TO PURCHASE TWO (2) MASSEY FERGUSON TRACTORS FROM HANEY EQUIPMENT UTILIZING BUYBOARD PURCHASING CONTRACT #706-24 IN THE AMOUNT OF \$126,582 TO BE PAID FROM DISTRICT 2 ROAD & BRIDGE FUNDS, AND AMEND BUDGET ACCORDINGLY.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-458

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to approve request from Randy Vest, District 2 Commissioner, to purchase two (2) Massey Ferguson tractors from Haney Equipment utilizing BuyBoard Purchasing contract #706-24 in the amount of \$126,582 to be paid from District 2 Road & Bridge funds, and amend budget accordingly, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO REAPPOINT JOHN GRIFFITH TO THE MENTAL HEALTH CENTER OF NORTH ALABAMA BOARD FOR A 6-YEAR TERM EXPIRING AUGUST 31, 2029.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-459

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to reappoint John Griffith to the Mental Health Center of North Alabama Board for a 6-year term expiring August 31, 2029, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING THE CHAIRMAN TO REMOVE BRANDY DAVIS FROM THE MORGAN COUNTY EMERGENCY MANAGEMENT COMMUNICATION (E-911) BOARD EFFECTIVE AUGUST 8, 2023.

Mr. Greg Abercrombie, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-460

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize the Chairman to remove Brandy Davis from the Morgan County Emergency Management Communication (E-911) Board effective August 8, 2023, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING JOHNNY HOWELL, ENVIRONMENTAL SERVICES DIRECTOR, TO REFUND DUMPSTER FEES DUE TO BILLING ERROR TO NEAL HOLLAND, FALKVILLE, AL, FOR A 19-MONTH PERIOD IN THE AMOUNT OF \$1,235.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-461

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize Johnny Howell, Environmental Services Director, to refund dumpster fees due to billing error to Neal Holland, Falkville, AL, for a 19-month period in the amount of \$1,235, this the 8th day of August 2023.

ADOPT RESOLUTION AUTHORIZING AN EXPENDITURE OF \$5,000 PAYABLE FROM CONTINGENCY FUNDS TO THE DECATUR-MORGAN COUNTY FARMER'S MARKET.

Mr. Don Stisher, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Greg Abercrombie, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-462

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby authorize an expenditure of \$5,000 payable from Contingency Funds to the Decatur-Morgan County Farmer's Market, this the 8th day of August 2023.

ADOPT RESOLUTION CANCELLING THE TUESDAY, AUGUST 22, 2023, MEETING OF THE MORGAN COUNTY COMMISSION AND RESCHEDULE FOR TUESDAY, AUGUST 29, 2023, AT 9 A.M.

Mr. Randy Vest, member of the Commission, offered the following resolution and moved for its adoption. Upon the same being duly seconded by Mr. Don Stisher, it was put to a vote and unanimously adopted to wit:

RESOLUTION 23-463

BE IT RESOLVED by the Morgan County Commission of Morgan County, Alabama, that the Commission does hereby cancel the Tuesday, August 22, 2023, meeting of the Morgan County Commission and reschedule for Tuesday, August 29, 2023, at 9 a.m., this the 8th day of August 2023.

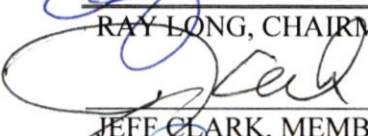
August 8, 2023

BE IT FURTHER RESOLVED by the Morgan County Commission of Morgan County, Alabama, that there being no further business to come before the Commission, the same on motion of Mr. Don Stisher, seconded by Mr. Greg Abercrombie, and unanimously carried; the Morgan County Commission is duly adjourned.

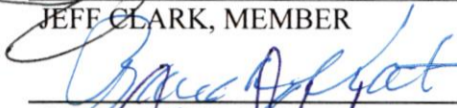
These Minutes were approved,
this the 29th day of August 2023.



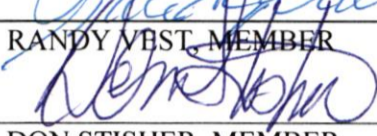
 RAY LONG, CHAIRMAN



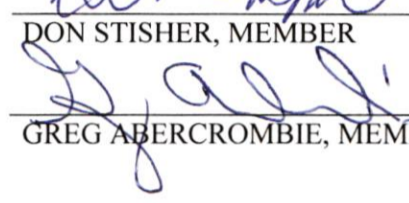
 JEFF CLARK, MEMBER



 RANDY VEST, MEMBER



 DON STISHER, MEMBER



 GREG ABERCROMBIE, MEMBER