

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

**DATE: 05/07/96
AGENDA ITEM NO.:**

6-18-96 46-280
5-21-96 Cont'd
Cont'd of 3
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DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes () No()

Adopt this resolution approving the Policy for Implementation of Drug and Alcohol Testing (attached hereto as Exhibit A) for drivers, mechanics and supervisory personnel directly involved in the operation of commercial motor vehicles, and approving execution of the Carrier Agreement with DrugTech Toxicology Service (attached hereto as Exhibit B) to provide the required training and testing services.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County of Mariposa has consistently taken action to eliminate drug and alcohol abuse and its effects in the workplace on all employees, to avoid the dangers arising from drug and alcohol abuse in the workplace, and to maintain the highest level of safety and efficiency in carrying out its public service responsibilities. By Resolution No. 91-440, Mariposa County adopted a Statement on the Drug-Free Workplace, attached hereto as Exhibit C, to comply with legislation which addressed issues to avoid the dangers arising from drug and alcohol abuse in the workplace. In order to improve highway safety nationwide, the U.S. Congress has passed several laws including the Omnibus Transportation Employee Testing Act of 1991 (Public Law No. 102-143, 105 Statute 952) which required employers "to conduct pre-employment, reasonable suspicion, random, post-accident, and follow-up testing of operators of commercial motor vehicles for use, in violation of law or Federal regulation, of alcohol or a controlled substance." In February, 1994, the U.S. Department of Transportation issued final rules to implement the 1991 Act. Implementation of these rules became effective January 1, 1995 for employers of 50 or more affected employees and January 1, 1996 for employers with less than 50 affected employees. Subsequent to publication of the rules on February 15, 1994 (Federal Highway Administration, DOT, 49 CFR Parts 382, et. al.), they have been amended to eliminate the requirement for pre-employment testing as it relates to the use/abuse of alcohol. In addition to testing, the Federal Highway Administration's rules further mandate that the County provide relevant information and training on alcohol and drug use/abuse, including treatment resources, to all supervisors and affected employees.

Staff has reviewed several testing agencies who have been certified to be in compliance with the testing and training standards set forth by the DOT regulations. This certification is very expensive, and it is not feasible for our Public Health Department to pursue this capability at the present time. 24 employees in the Public Works Department are required to be included in this program at the present time. Currently, the proposed policy includes the classifications of Maintenance Foreman, Senior Maintenance Worker, Maintenance Worker II, Equipment Mechanic Supervisor, and Equipment Mechanic. The attached Carrier Agreement with DrugTech reflects an all-inclusive cost of \$8.00 per month per covered employee and represents an on-going annual expenditure of \$2,304. This covers not only the mandatory testing but provision for the initial employee and supervisory training, all necessary materials, and the required on-going reporting to both the DOT and California Highway Patrol.

No additional funds are being requested at this time. Payment will come from the respective budget professional services lines. Each division will pay for the employees in their division that are required to be tested in the pool.

Existing articles in the Memorandums of Understanding which the County has negotiated with its bargaining units are unchanged with regard to relevant sections of Article 13 - EMPLOYEE DISCIPLINE attached hereto as part of Exhibit C. However, the County will meet and consult with each bargaining unit to ensure that the rules and regulations adopted by this proposed resolution are incorporated into the appropriate section of the individual M.O.U.s. if required.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this proposed policy. Mariposa County would be out of compliance with certain Federally-mandated regulations governing alcohol and drug testing and training.

Make any changes to this proposed policy as deemed appropriate and necessary by the Board, and provide direction to staff to proceed with implementation.

COSTS: (X) Not Applicable A. Budgeted current FY \$-0- B. Total anticipated costs <u>\$2,304</u> C. Required additional funding \$-0- D. Internal transfers \$-0-		SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively: _____ _____ _____ _____
SOURCE: () 4/5ths Vote Required A. Unanticipated revenues \$ _____ B. Reserve for contingencies \$ _____ C. Source description: _____ Balance in Reserve for Contingencies, if approved: \$ _____		


CLERK'S USE ONLY:
 Res. No.: 96-280 Ord. No. _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____ Abstained: _____
 () Approved () Denied
 () Minute Order Attached 4/18 () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 ATTEST: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
 This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
 Comment: _____
 A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: RESOLUTION NUMBER 96-280

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 18, 1996

ACTION AND VOTE:


Jeff Green, County Counsel;
Resolution Adopting Policy for Implementation of Drug and Alcohol Testing for Drivers, Mechanics and Supervisory Personnel Directly Involved in the Operation of Commercial Motor Vehicles and Approving Execution of a Carrier Agreement with DrugTech Toxicology Service to Provide the Required Training and Testing Services (Continued from 5/21/96)

BOARD ACTION: Jeff Green advised of changes made to the policy following discussions with the Union. Lisa Edelheit/SEIU, stated they were concerned with privacy for the testing and training and requested to be invited to the training, and to be able to come back to the Board if there are any concerns or issues with the laboratory's handling of the testing. Following discussion, (M)Parker, (S)Stewart, Res. 96-280 adopted; direction was given for a letter to be sent from the Chairman to Congressman Radanovich outlining concerns with this type of unfunded mandate/Ayes: Unanimous. Marty Allan/PWD-Fleet Fiscal Manager, commented on the testing procedures.

cc: Jim Eutsler, Community Services Director
Mike Edwards, Public Works Director
Jim Moffett, Chief Probation Officer
Jim Wilson, Interim Fire Chief
Dr. Mosher, Health Officer
Roger Matlock, Sheriff
Mike Coffield, County Administrative Officer
Nancy Kyle, Personnel

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: POLICY IMPLEMENTING DRUG AND ALCOHOL TESTING

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on May 21, 1996

ACTION AND VOTE:

Jeff Green, County Counsel;
Resolution Adopting Policy for Implementation of Drug and Alcohol
Testing for Drivers, Mechanics and Supervisory Personnel Directly
Involved in the Operation of Commercial Motor Vehicles and
Approving Execution of a Carrier Agreement with DrugTech
Toxicology Service to Provide the Required Training and Testing
Services (Continued from 5/7/96)
BOARD ACTION: Jeff Green pulled this matter and advised it will
be rescheduled in early June, 1996.

cc: File