

NORTH CAROLINA
COUNTY OF GREENE

The Greene County Board of Commissioners met in regular session on Monday, September 18, 2023, at 7:00 p.m. in the Greene County Operations Center. Present for the meeting: Chairman Bennie Heath, Vice Chairman James T. Shackleford Jr, Commissioners Jerry Jones, Ray Johnson and Derek Burrell, County Manager Kyle DeHaven, County Attorney Gay Stanley and Deputy Clerk Kathy Mooring.

A. Call to Order

Chairman Bennie Heath called the meeting to order at 7 p.m., and asked Commissioner Jones to give the invocation; and, lead the Pledge to the Flag.

There were four Greene County staff in attendance and no people from the public were present.

B. Approval of Agenda

Chairman Heath asked for any changes, deletions or corrections to the Agenda. Commissioner Jones asked that a correction be made to the September 5, 2023 Regular Meeting Minutes in Section H, he noted that the H & T Ribbon Cutting Ceremony was at 243 Harper Road in Greene County not Stantonburg. Chairman Heath noted the change and asked for a motion to approve the Agenda with the noted correction.

On motion by Commissioner Jones and seconded by Commissioner Johnson, the Board unanimously to approve the agenda as presented.

C. Consent Agenda

Chairman Heath asked for any changes to the Consent Agenda. Seeing as none he asked for a motion to approve.

On motion by Commissioner Jones and second by Commissioner Johnson, the Board voted unanimously to approve the Consent Agenda.

- August 21, 2023 Regular Meeting Minutes
- September 5, 2023 Regular Meeting Minutes
- Release/Refunds
- Monthly Collection Report
- Monthly Financial Report

Refunds: NCVTS Tax & Tag

East Carolina Erectors	\$42.71	Rhonda Smith Harrell	\$19.97	Saundra Williams Speight	\$111.01
Jocelyn Marie Cetnar	\$132.96	Annette Forbes Boyd	\$24.46	Teddy Glenn Gardner	\$31.44
Son Set Ministries, Inc.	\$59.38				

D. Public Hearing – FY25 5311 Non-Urbanized Area Community Transportation Program Funding Application

Ms. Kim Howell presented FY25 5311 Non-Urbanized Area Community Transportation Program Funding Application. Chairman Heath opened the Public Hearing to receive public comments. Seeing as there were no comments from the Board or the public, Chairman Heath closed the Public Hearing. Kyle DeHaven took this opportunity to introduce Ms. Kim Howell, the new Transportation Director, to the Board of Commissioners; and, he also asked for the Board to approve the FY25 5311 Non-Urbanized Area Community Transportation Program Funding Application. Chairman Heath welcomed Ms. Howell to the County; and, he also recognized Mike Lovett for taking the time to help train Ms. Howell in her new position. Chairman Heath called for a motion to approve this application.

On motion by Commissioner Jones and seconded by Commissioner Shackelford, the Board voted unanimously to approve the application for the FY25 5311 Non-Urbanized Area Community Transportation Program Funding.

E. Public Comments

None.

F. County Manager Report

1. Mr. DeHaven presented a draft of the Drug-Free Workplace and Drug and Alcohol Testing Policy. He stated this was presented at the last meeting and the Board was asked to review the policy and he has not had any comments or requests for changes. He also noted that he has had

all Department Heads look this and asked for any changes. Since he has gotten no changes to the policy, he asked for the Boards approval of the policy. Chairman Heath called for a motion to approve. Commissioner Burress reiterated his support for the drug and alcohol testing policy, but expressed concerns about the requirement for supervisors to escort employees to testing sites as he believes that this could put supervisors in danger, especially if they are the ones who accused the employee of being under the influence.

On motion by Commissioner Jones and seconded by Commissioner Johnson, the Board voted unanimously to approve the Drug-Free Workplace and Drug and Alcohol Testing Policy.

G. County Attorney Report

No Comments.

H. Commissioner's Report and Recommendations

Chairman Heath noted that on Saturday, September 23, 2023 the Leventon Chapel, at 6839 Speights Bridge Road, Stantonburg will hold Community Day 2023 from 10 a.m. – 4 p.m. which will include outside activities, car show, food, fellowship, vendors and much more, Fun for all Ages. Also, on this same day there will be a Community Family Fun Day at the Greene Community Center at 814 Harper Street, Snow Hill from 12 – 5 p.m. There will be a Yard Sale, food, raffle, vendors and the event is sponsored by the Greene Improvement Association in cooperation with a host of other individuals and organizations.

Commissioner Jones said the oak tree at the courthouse is dead and would like it replaced with a Salt Timber Oak. He also noted that the Crepe Myrtle there is also dying and suggested that the County talk to the person that donated it to see about replacing it as well.

I. ADJOURN

On motion by Commissioner Jones and second by Commissioner Johnson to adjourn the meeting, the Board voted unanimously to adjourn. The meeting adjourned at 7:15 p.m.


Bennie Heath, Chairman

Attest:





Kyle J. DeHaven, Clerk to the Board

APPENDIX D: DRUG-FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

Purpose

Greene County is committed to protecting the safety, health and well-being of all employees in our workplace, and the general public. Furthermore, Greene County recognizes that alcohol abuse and drug use pose a significant threat to our goals.

This article establishes zero tolerance for the use of illegal drugs or controlled substances, such as alcohol, and the abuse of prescription medications while at work or doing the business of Greene County. In order to maintain a drug-free workplace, Greene County requires drug testing for all applicants as part of our pre-employment screening and as a condition of hire and performs random drug testing of employees in safety sensitive positions and those in possession of a commercial driver's license, as per the requirements of state and federal law.

Greene County reserves the right to search employer-owned items used by the employee (i.e. desk, lockers, computers, Greene County vehicles/equipment, etc.) and employees cannot expect privacy for anything placed on or in any employer-owned item. Law enforcement officials and Department Heads will be notified in appropriate cases.

Any employee found in violation of this article will be subject to immediate dismissal.

A. Covered Workers

Any individual who conducts business for this organization, is applying for a position or is conducting business on the organization's property is covered by this drug-free workplace article. Our article includes but is not limited to all full and part time employees of this organization and applicants.

B. Applicability

Our drug-free workplace article is intended to apply whenever anyone is representing or conducting business for Greene County. Therefore, this article applies during all working hours, whenever conducting business or representing Greene County, while on call or on standby duty and while on Greene County property.

C. Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles.

1. Responsibility of Employees

- Greene County employees are expected and required to report to work on-time and fit for duty in appropriate mental and physical condition for work. All Greene County employees regardless of job assignment, are subject to direct contact with the public and at no time should be impaired by any substance to any degree.
- Greene County employees who have a reasonable basis to believe that another employee is illegally using or selling drugs or narcotics or violating any section of this article shall immediately report the facts and circumstances to their supervisor.
- Submit immediately to reasonable request for testing when requested by a superior.

- Notify his/her supervisor before beginning work when taking any medication of drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of Greene County equipment.
- Provide within 24 hours of request a current valid prescription in the employee's name for any drug or medication identified when a drug screen/analysis is positive.

Reporting of Drug/Alcohol Arrests and/or Convictions

Greene County employees shall notify their supervisor or Department Head and the Human Resources Director within five (5) calendar days of any drug or alcohol-related offense or conviction. If that offense or conviction results in the immediate suspension or revocation of driving privileges, however, the employee must report that revocation or suspension immediately upon returning to work if the employee's position at Greene County requires the employee to drive a Greene County vehicle as part of the employee's job duties.

Failure to comply with these responsibilities or other reasonable request by a responsible supervisor or other Greene County representative may result in immediate disciplinary action up to and including dismissal.

2. Responsibility of Department Heads and Supervisors

- Inform employees of drug-free workplace article through the dissemination of this article and all future article revisions.
- Attend and utilize all training.
- Comply with this article and enforce the article fairly and consistently.
- Prevent any employee reasonably believed to be under the influence of drugs or alcohol from working and arrange for testing, if appropriate.
- Inform local law enforcement if an employee is observed to be in possession of illegal drugs.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Inform employees experiencing unexplained changes in work performance or behavior of the availability of the Employee Assistance Program encouraging voluntary referral or mandatory referral, when warranted and as necessary and appropriate, within established guidelines.
- Clearly state consequences of article violation.
- Take appropriate actions to investigate any allegations of impairment or other violations of this article, in consultation with Human Resources.
- Maintain confidentiality in all matters relating to this article; access to confidential employee information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Supervisor Restrictions

Supervisors shall not:

- Forcibly detain any employee.
- Search any employee's person, personal belongings, possessions or personal vehicles. A search may only be conducted in the event of exigent circumstances or life-threatening conditions.

Failure to comply with these responsibilities, restriction or failure to take other reasonable actions related to maintaining a drug-free workplace may result in disciplinary action up to and including dismissal.

D. Prohibited Behaviors

- a. It is a violation of our drug-free workplace article to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.
- b. With regards to the use of alcohol, an employee will not:
 - a. Consume alcohol while on duty;
 - b. Report to work under the influence of alcohol;
 - c. Consume alcohol up to eight (8) hours following an accident or until the completion of post-accident testing; whichever is sooner.
- c. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace article to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or accidents occur.

E. Prescription Drugs

Prescriptions and over the counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over the counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (such as requesting leave, requesting a change of duty, notifying supervisor, etc.) to avoid unsafe work practices. If necessary, the supervisor may temporarily re-assign the employee to duties that can be safely performed while the employee is taking the prescribed medication if alternate work is available.

F. Drug and Alcohol Testing

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to North Carolina General Statute § 95-232 and will include a screening test; a confirmation test; a split sample which shall be retained by the laboratory that conducts the confirmatory examination; and review by a Medical Review Officer (MRO). In addition, testing will include an opportunity for employees who test positive to provide legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug testing information will be maintained by Human Resources in separate confidential records.

1. Employees and Applicants Subject to Testing

Every employee of Greene County, as a condition of employment, will be required to participate in reasonable suspicion, return to duty, and follow-up testing upon request of management in accordance with this article. Employees in safety sensitive positions and/or commercial vehicle drivers required to hold a commercial driver's license will additionally be required to participate in pre-employment, post-accident and random testing, as per the requirements of this article. A driver, as defined by the Federal Motor Carriers Safety Administration (FMCSA), is any person who operates a commercial motor vehicle and is subject to commercial driver's license requirements. A driver means anyone who operates

a commercial motor vehicle, whether full-time, part-time, casual, intermittent, occasional, volunteer, leased or independent. This also refers to other employees who may not have been driving a commercial motor vehicle as part of the regular job duties, but who sometimes operate a commercial motor vehicle.

2. What We Test For

Greene County will test for substance in accordance with state and federal regulations; including, but not limited to:

- a. Amphetamines (including ecstasy)
- b. Marijuana; cannabis; THC
- c. Cocaine
- d. Opioids
- e. Phencyclidine (PCP)
- f. Methamphetamines
- g. Benzodiazepines
- h. Barbiturates
- i. Alcohol

Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of metabolites of drugs will be conducted by the analysis of urine.

Any employee who tests positive will be subject to immediate termination with no opportunity to resign. Greene County has a zero-tolerance policy.

An employee's request for referral for an approved employee assistance provider will not be granted if the request is submitted after the employee is notified of the requirement to submit to testing.

Consequences for the following behaviors relating to drug and alcohol testing are the same as if an employee tested positive:

- j. employee attempts to or adulterates or dilutes specimen;
- k. employee substitutes the specimen with that from another person or sends an imposter;
- l. employee refuses to sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test;
- m. inability to produce sufficient quantities of saliva or urine to be tested without a valid medical reason;
- n. failure to immediately report to the collection sight when directed to do so.

More information on each testing condition follows.

3. Reasons for Drug Testing

In keeping with Greene County's mission to serving and protecting employees and the public, Greene County will test applicants and employees under the following conditions.

a. Pre-Employment Testing

Individuals who seek employment in safety-sensitive and finance positions will be required to undergo a drug test for controlled substances prior to his or her appointment. Employees selected for promotion or transferring to a safety-sensitive or finance position will be required to undergo a drug test. Refusal to take the test will result in disqualification for consideration for

employment, promotion or transfer into the position sought.

Human Resources will refer applicants for whom testing is required to the facility within a specified time frame as part of the pre-employment screening process. Applicants will be required to present identification when reporting to the testing facility. Applicants will be notified in writing of positive test results and receive notice of the right to re-test.

b. Reasonable Suspicion

Reasonable suspicion is defined as the belief, based on the totality of the circumstances, that an employee is using or has used drugs or alcohol in violation of Greene County's article. This belief will be based on specific observations, facts and reasonable inferences. Employees may be required to undergo drug testing whenever an employee's conduct on the job suggests a reasonable suspicion of the influence of drugs or alcohol. A recommendation that an employee be tested based on reasonable suspicion must be individually corroborated and documented and based on specific objective facts and reasonable inferences presented by a supervisor-level Greene County employee.

Some factors that may constitute reasonable suspicion include, but not are not limited to:

- Direct observation of drug use or possession
- Direct observation of the physical symptoms of being under the influence of drugs (e.g.; slurred speech, odor of alcohol on body or breath, incoherence, loss of coordination, etc.)
- Impairment of motor functions, coordination, speech
- Pattern of abnormal or erratic conduct or behavior
- Arrest/conviction of drug-related offense
- ID of employee as focus of criminal investigation involving illegal drugs
- Tips from reliable or credible sources
- Anonymous tips only if they can be independently corroborated

Procedures

- i. Supervisors are required to state, and to record for the file the specific facts, symptoms, or observations which formed the basis for their recommendation that an employee should be required to have a drug test. Testing for reasonable suspicion requires corroboration and documentation presented by a supervisor-level Greene County employee.
- ii. When available, supervisors should confer with the Human Resources Director or the County Manager prior to requiring testing; however, the corroboration of two trained supervisors for circumstance that meet the guidelines for reasonable suspicion is enough to proceed with the testing.

- iii. Once a supervisor suspects an employee may be under the influence of drugs or alcohol, the employee should be prevented from operating equipment or vehicles or performing other potentially hazardous duties. The supervisor must notify Human Resources and the employee being referred must be escorted to the testing facility within two (2) hours by the supervisor or another supervisor-level Greene County employee.
- iv. Once the test sample is obtained, the supervisor-level Greene County employee shall escort the employee home or obtain transportation for the employee using every available means to ensure the employee reaches their destination safely. If the employee refuses transportation and insists on being returned to their vehicle to drive themselves, the supervisor should contact law enforcement.
- v. While awaiting test results, an employee may not return to work and may be placed on either leave with pay, disciplinary suspension without pay, or non-disciplinary suspension with pay depending on the circumstances leading up to the reasonable suspicion testing and in accordance with Greene County's personnel policy.

c. Post Accidents

Under Greene County authority, an employee who is involved in a work place accident or observed performing an unsafe workplace practice may be required to take a drug and alcohol test when warranted by the nature of the situation, as recommended by the supervisor and with the approval of the Department Head and the Human Resources Director.

With regards to motor vehicle accidents, Greene County requires that any employee in a safety sensitive position, and any employee with a CDL requirement, as required by the FMSCA, who is involved in a motor vehicle accident will be required to take a drug and alcohol test following a vehicular accident under the following conditions:

- The accident involves a fatality;
- The driver receives a moving traffic violation arising from the accident that requires a vehicle being towed or an injury requiring medical attention away from the scene.
- Anyone operating Greene County equipment or operating a Greene County vehicle.

In the interest of safety, it is Greene County's policy to immediately transport the employee involved in the accident to the testing facility accompanied by the supervisor, the safety officer or another supervisor-level Greene County employee. In the event the employee is injured and transported for medical treatment, the testing will be performed within the required time frame. The employee will not be allowed to return to their regular duties pending receipt of test results but may be allowed alternate duties that do not involve driving or pose any safety risk as assigned by the

supervisor while awaiting results.

d. Random Testing

Employees in identified safety-sensitive positions and employees whose positions may require the employee to drive a commercial motor vehicle and hold a commercial driver's license will be subject to random testing for alcohol and/or controlled substances as per the established Random Drug/Alcohol Testing Program.

Greene County contracts with a certified medical provider for this purpose and participates in a consortium for CDL drivers. The third-party medical provider maintains separate random testing employee "pools" for both safety sensitive and CDL positions, as per the FMCSA. Under the selection process used by the third-party provider, each employee subject to random testing shall have an equal chance of being tested each time selections are made.

Once notified of their selection for random testing by the safety officer, an Human Resources representative, or supervisor, employees must complete notification of rights form and then must report immediately to the testing facility. Employees will be required to present identification upon arrival. A random test may include tests for alcohol using a Breath Analysis Test and/or controlled substances using a urine test. If an employee is selected for random testing, their name is returned to the selection pool from which it was drawn to ensure all drivers have an equal chance of being selected at any time.

The FMCSA requires that random testing for alcohol for CDL holders be performed immediately before, during or immediately following the performance of a safety-sensitive function.

e. Return to Duty and Follow-Up Testing

Employees who have sought voluntary counseling for substance abuse will be required to undergo drug testing prior to returning to work with additional follow up testing required after returning to work as dictated by a substance abuse professional.

f. Voluntary Testing

Testing conducted on an employee where the employee volunteers to be tested (for example, where the employee wants to refute an allegation of drug use) is acceptable

g. Consent to Be Tested

Before a drug test is administered, the employee or applicant will be asked to sign a consent form authorizing the test and permitting the release of test results to Greene County only after the employee has been notified of the results. The consent form provides space for employees and applicants to acknowledge that they have been notified of Greene County's drug and alcohol testing article. A refusal to sign the consent form by a current employee will result in termination of employment. Applicants who refuse to sign will not be considered for employment.

h. Notification of Rights

Prior to testing, Greene County shall provide the applicant or employee written notification of their rights and responsibilities under the Controlled Substance Examination Regulation Act.

i. Confidentiality of Records

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

j. Actions Following Receipt of Test Results

i. Negative Test Results

The employee may return to work, providing he/she is otherwise able and there are no other disciplinary considerations based on job performance or violations of the law.

ii. Positive Test Results

o. In the event of a positive test result, the MRO will contact the employee and conduct an interview to determine if there are any legitimate reasons for the positive result (such as over the counter prescription medications). The MRO is required to attempt to contact the employee three times; once the MRO tries three times is unable to contact the employee, the MRO will release the test to the employer and mark it that they could not contact the donor.

p. If the MRO determines there is legitimate medical explanation for the presence of drugs, the result may be reported as negative. A second examination of the sample utilizing gas chromatography with mass spectrometry test shall be performed current employees in the event of a positive test. A second examination of the sample utilizing gas chromatography with mass spectrometry test shall be performed for prospective employees in the event of a positive result unless the prospective employee signs a written waiver at the time or after the person receives the preliminary test result. Any request for a same sample retest must be made to the MRO of the 3rd party Program Administrator for the Authority, in whatever form it requires, within 72 hours from the time the results of the confirmed positive examination are mailed or otherwise delivered to the examiner. Employees will not be allowed to return to work until the results of the re-test are obtained. The status of an employee while out of work under these circumstances shall be recorded in keeping with the Personnel Policy. If

there is no medical reason as determined by the MRO, the positive results stand.

- q. The second test shall be done in accordance with the requirements of North Carolina General Statute, 95-232(c1).

r. Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an employee of Greene County violates this article, the consequences are serious.

i. Applicants

Applicants, including employees seeking promotion, demotion or transfer to certain safety sensitive positions, who refuse testing or who test positive will no longer be considered as candidates for employment, promotion, demotion or transfer for that position.

Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test.

ii. Employees

Greene County maintains a zero tolerance. Employees found in violation of the drug-free workplace article will be subject to immediate dismissal.

G. Treatment and Counseling for Substance Abuse Problems

Greene County recognizes that alcohol and drug abuse and addiction are treatable illness and that early intervention and support improve the success of rehabilitation. To support employees, Greene County's drug-free workplace article:

- s. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- t. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- u. Offers all employees and family members assistance with alcohol and drug problems through the Employee Assistance Program
- v. Allows for leave for treatment of substance abuse by a health care provider or by a provider of health care services on referral by a health care provider as allowed under the Family and Medical Leave Act, if eligible.

Formal Referral

If the employee self-discloses a drug or alcohol problem to management, Greene County will provide a formal referral to the employee assistance provider. The employee will not be disciplined for the disclosure. The following will apply:

- The Greene County approved employee assistance program provider will assess the employee's level of substance use and make recommendations to the employee about the appropriate level of treatment necessary for rehabilitation.
- To continue employment when a referral is made under this section an employee must participate in the program recommended by the employee assistance program provider and his or her physician.
- Failure of the employee to enter or to continue participation in the program recommended by the employee assistance provider and his or her physician, or failure to follow the treatment recommendations of the approved program, will result in dismissal.
- Employees must sign a release form to ensure information on attendance for rehabilitation and at subsequent treatment or evaluation programs is provided to Greene County. Failure to sign the appropriate releases constitutes failure to participate in treatment will result in dismissal.
- The employee may use accumulated sick leave and/or vacation leave while participating in the treatment program. If an absence is designated as Family and Medical Leave, the sick leave/vacation leave use and FMLA time run concurrently.
- The employee will be responsible for any expense not covered under the group health care plan and failure to participate and comply may result in dismissal.

Employees will not be penalized for seeking help on their own; however, an employee's request for referral to an approved Employee Assistance Program provider or other community resource will not be granted if the request is submitted after the employee is notified of the requirement to submit to testing.

Reinstatement: Conditions for Return to Work

If return to work is recommended by the facility/ treatment agencies and employee's physician employees may be allowed to return to work. Employees may be required to meet several conditions including:

- Periodic unannounced follow-up testing for up to one year. Minimum of six (6) tests in the next twelve (12) months.
- Random pool testing, if position is classified as Safety Sensitive, or subject to FMCSA Regulations.
- A Fitness for Duty Evaluation will be required to return to work.
- Greene County will require the employee to sign an agreement acknowledgement acceptance of these and other reasonable conditions prior to the return to work.

H. Education and Training

Communicating our drug free workplace article and educating employees regarding the dangers of drug and alcohol use is critical to our success in maintaining a drug free workplace. To ensure employees are aware of their role in supporting a drug free workplace program, employees will 1) be provided a copy of this article during their initial new employee orientation; 2) employees will receive any updates of this article; and 3) supervisors will receive periodic training to assist with recognizing and managing employees with potential alcohol and other drug problems.

I. Notification to Grant Agencies

Greene County will notify the federal grant agency within ten (10) days of receiving notice in the event that any employee who is working directly in an activity funded in whole or in part by a federal grant is convicted of a drug related violation on Greene County premises.

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