VII. Safety and Health

A. Introduction

Management's job is to promote a smooth flow of services, free from any kind of interruption. The County operates in a system consisting of employees, equipment, materials, government structure, planning methods, etc. Losses due to unsafe practices or unsafe conditions are evidence of an existing situation that, if uncorrected, could lead to repeated injuries, illnesses and/or property damage. Any loss is an event which interrupts the smooth flow of profitable services. It constitutes a failure somewhere in the system, either in planning or methods application. The reasons for loss investigation are:

- To discover causes of work stoppage (what part of our system broke down and why); and
- To eliminate these causes in order to ensure uninterrupted services in the future.

Most people think of a loss or injury as strictly a liability. However, when investigated properly, the knowledge obtained and utilized effectively can be turned into an asset. These investigations can:

- Aid in the elimination of service breakdowns;
- Assist in improving methods and conditions;
- Be used to identify training needs;
- Demonstrate management's concern for safety; and
- Add to the supervisor's accumulated knowledge of his or her operation and management responsibilities.

B. Responsibilities

1. Management Responsibilities

The County Commission, Appointing Authority and Appointed Department Heads are responsible for the following:

a. Setting the safety and health policies and procedures;
b. Ensuring that sufficient, trained personnel are assigned to direct the safety and health program;
c. Assigning and communicating safety and health responsibilities to managers and supervisors;
d. Providing adequate authority and resources necessary for implementation of policies and procedures;
e. Assigning accountability to managers, supervisors and employees so that safety and health performance is evaluated as other aspects of job performance are evaluated;

f. Assuring that production processes and safety and health protection are completely integrated so that safety and health are part of the daily production activity within the County;
g. Periodic reviews of the safety and health program and related policies, procedures and practices, to ensure that they remain relevant and effective in participating and meeting the stated goal and objectives; and
h. Participating in safety and health program activities on a regular basis.

2. Risk Management Departmental Responsibilities include the following:

   a. Coordination and directing all activities related to the implementation of the safety and health program;
   b. Developing, documenting and maintaining all safety related programs, policies and procedures as needed;
   c. Conducting comprehensive worksite inspections on a regular basis for purpose of identifying unsafe conditions and unsafe acts. Imminent danger items identified through inspections will be corrected immediately, with other items being submitted to the County Commission office as needed;
   d. Assisting supervisors in the performance of Job Safety and Health Analysis (JSHA) in the respective departments;
   e. Developing and implementing safety and health awareness and communication programs;
   f. Participating in and reviewing accident/incident investigations for correctness of informational and casual factors and for making recommendations relative to corrective actions necessary to prevent a recurrence;
   g. Conducting on-going evaluations of the safety and health program and instituting changes as needed to ensure that the program remains relevant and effective;
   h. Assist with the indoctrination of new employees as needed, relative to general safety and health rules, policies, programs and procedures and advising of the personal protective equipment necessary to do his or her jobs; and
   i. Staying abreast on new developments and certifications in the field of safety and health rules and accident prevention so that he or she can be an effective resource for everyone connected to the program.

3. Supervisor Responsibilities include the following:

   a. Conducting safety training/meetings in his or her departments on a regular basis;
   b. In coordination with Risk Manager, conducting informal, continuous and on-going inspections in his or her departments, as well as more formal comprehensive safety and health inspections on a regular basis, for the purpose of identifying unsafe conditions and unsafe acts;
   c. Performing Job Safety and Health Analysis (JSHA's) for all positions within his or her departments with the assistance of the Risk Manager. JSHA is simply the study of job related task and possible hazards and the implementation of methods to reduce the identified hazards;

d. Training new or transferred employees in safety and health issues relative to his or her department and to the specific job assignment;
e. Consistent enforcement of all safety and health rules, policies, practices and procedures; and
f. Encouraging all employees to use the personal protective equipment needed to be able to safely do his or her job.

4. Employee Responsibilities include the following:

a. Complying with all established safety and health rules, policies, practices and procedures and being active in his or her own safety and health protection;
b. Promptly reporting all work-related injuries and illnesses, regardless of severity and near-miss incidents to the supervisor so that treatment can be rendered and investigations can be conducted;
c. Promptly reporting any unsafe conditions, unsafe equipment or unsafe acts to supervision immediately;
d. Proactively submit suggestions to management to improve safety and health;
e. Wearing and maintaining in good condition all personal protective equipment required for his or her job;
f. Attending safety meeting and educational programs as directed by management; and
g. Submitting to random drug and alcohol testing in accordance with County policies and procedures.

C. Loss and Safety Investigation

All investigations will start with the immediate supervisor. It is his or her system that broke down. Also, he or she is usually the person who management expects will initiate the corrective action needed to solve the existing problem. Others may be involved in the investigation and corrective action due to the nature of the loss. The investigator's attitude should be one of positive fact-finding, not blame fixing. The positive attitude will assist in enlisting meaningful contributions from witnesses, positive corrective action and follow-up to make sure the problem was eliminated.

The investigation should take place immediately after the loss and a copy of the report turned into the Risk Manager by the supervisor within twenty-four (24) hours of the accident or incident (must turn in at a minimum, the completed First Report of Injury). Prompt investigation will help ensure that physical conditions remain unchanged and employees involved are still available. The fact will still be fresh in the participant's mind, and witnesses will still remember what, how and when it occurred. Whenever the cause is an unsafe condition, a copy of a completed work order will be attached. If the cause was an unsafe act, written corrective action will be attached as warranted.

The "First Report of Injury Report" must be filled out by the employee's supervisor and <u>not</u> the injured employee who was involved in the accident.

D. Workers Compensation

All employees are protected under the State of Alabama's Workers Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks he or she was hired to perform at times and in places where he or she was hired to work.

For all life threatening injuries or illnesses, please notify 911.

<u>If an employee experiences an on-the-job, non-life threatening injury or illness,</u> he or she is required to:

1. Report the incident to his or her supervisor immediately;
2. Provide written notification of how the injury occurred to the supervisor within twenty-four (24) hours;
3. Provide information to the supervisor so that the supervisor can complete the Alabama First Report of Injury within twenty-four (24) hours from the time of the incident. The supervisor will then send it to the Risk Manager;
4. All initial medical visits are made at one of the following clinics:
    a. **Industrial Medical Center** located at 7901 Hwy 90, Suite 101 Daphne, Alabama 36526. Follow up visits will be scheduled by the Industrial Medical Center as needed;
    b. **Coastal Health Institute** located at 915 W. Laurel Ave. Foley, Alabama 36535. Follow up visits will be scheduled by the Industrial Medical Center as needed; or
    c. **Infirmary Urgent Care** located at 108 McMeans Ave. Bay Minette, Alabama 36507. Follow up visits will be scheduled by the Industrial Medical Center as needed; and
5. In the event the Industrial Medical Center is closed, after hours non-life threatening medical treatment may be sought at the following locations as deemed necessary by management:
    a. North Baldwin Medical Center, in Bay Minette, Alabama; or
    b. Thomas Hospital, in Fairhope, Alabama; or
    c. South Baldwin Hospital, in Foley, Alabama.

All related follow up visits for treatment rendered at North Baldwin Medical Center, Thomas Hospital or South Baldwin Hospital must be made at the Industrial Medical Center. **At no time will a referral to the employee's personal physician be made by the emergency room doctor in regards to workers compensation cases.**

6. Every employee injured on the job is required to:

   a. Keep all scheduled appointments with physicians/therapist as scheduled;
   b. Be aware that Baldwin County has a Temporary Transitional Duty program for all employees. For more information on this program, please refer to the Baldwin County Temporary Transitional Duty Policy;
   c. Notify his or her supervisor immediately if the physician advises the employee not to return to work, to work with restrictions and when he or she releases you to full duty; and
   d. Give the supervisor a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Risk Manager so that it may be retained in the employee workers compensation file.

7. If an employee requires emergency medical treatment for "life threatening" injuries, he or she should use the emergency room at any Baldwin County hospital. Only one (1) visit to the emergency room will be covered by workers compensation per each work related incident. Notification to Risk Management should be made immediately.

8. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit MUST be scheduled at the Industrial Medical Center. The employee's workers compensation case manager will assist the Risk Manager in scheduling this appointment for the employee. <u>The employee is not authorized to return to the emergency room for follow-up treatment</u> (i.e., removal of stitches, change of injury dressings, etc.).

Only one visit to the emergency room will be covered by workers compensation. All follow-up appointments must be seen at the Industrial Medical Center.

9. Baldwin County has contracted with local pharmacies to charge medications for work-related injuries after the following:

   a. The employee has notified his or her supervisor and Risk Management of the injury;
   b. The employee's prescription has been approved for payment by Risk Management; and
   c. The pharmacy has contacted Risk Management for authorization.

At no time should an employee go to their personal pharmacy or put workers compensation prescriptions on their personal insurance.

10. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and Baldwin County can provide a job

within the recommended restrictions, he or she must return to work and attempt the transitional duty. Transitional duty is offered at the will of the County and is only offered on a temporary basis.

You must return to work and attempt transitional (light) duty if authorized by your treating physician. Failure to report for light duty may result in termination of disability benefits.

11. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, Risk Management should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use his or her sick or leave time to cover the employee's absence. An employee may qualify for benefits if Baldwin County cannot provide a job within the restrictions given by the authorized physician.

12. Medical bills and temporary benefits will not be paid until Risk Management has received the appropriate forms from the employee and his or her supervisor.

13. After the employee's claim has been received in Risk Management, it will be submitted to a workers compensation case manager, to determine whether it is approved. The employee will be notified if a problem arises in the process of making that decision.

If a Workers Compensation claim is rejected as a Workers Compensation injury, it may be applied to the employee's medical insurance.

The goal is to process Workers Compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.

14. All employees involved in a Workers Compensation Injury or a Liability Property Damage incident will be required to receive a Post-Accident Drug Screen immediately after the reported incident.

15. Official medical records in regards to Workers Compensation and Drug Screen Testing should only be maintained in the Personnel Department. At no time should any medical information (personal protected health information) be retained at any other location other than the Personnel Department, unless written consent has been otherwise given.

E. Workers Compensation Payments

The employee will be paid a full day's pay for the day of the injury. The following three (3) days can be charged to annual leave, sick leave or leave without pay. These "following three

(3)" days will be reimbursed under the workers compensation benefits after the employee remains off work for a period of twenty-one (21) calendar days. If an employee remains off of work for a period of twenty-one (21) days, he or she must reimburse the county for "following three (3)" days that was paid to the employee.

The only check an employee who has filed for workers compensation benefits will receive is a check received from the workers compensation insurance carrier for Baldwin County.

While on workers compensation leave, the employee shall be placed in a leave without pay status. The employee will not accumulate annual or sick leave while on workers compensation leave.

All individual health insurance premiums paid by Baldwin County for an employee will remain in force and continue to be paid by the County. All employees are required to continue to pay his or her portion of health insurance premiums. Employees will be issued an invoice from the Accounting Department.

If, while on workers compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from his or her paycheck, the employee must contact the Personnel Department for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

An employee (who has depleted his or her sick, annual leave and FMLA) out on workers compensation leave, who has reached "Maximum Medical Improvement (MMI)," shall be terminated, if he or she does not return to work.

F. Transitional Duty

The Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work related injuries and are expected to return to his or her regular assignments following recovery. This policy and procedure does not cover employees with permanent restrictions and is offered at the will of the Baldwin County Commission and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on case by case bases by the Personnel Director, Risk Manager, Appointing Authority and respective Appointed Department Head.

1. Eligible Personnel.

The guidelines for eligible personnel are as follows:

a. Any probationary or permanent employee of Baldwin County;
b. A physician's note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment;

c. Work restrictions are defined as physician specified work activities that are limited due to an occupational illness or injury, regardless of whether the employee has lost time from work or not (e.g. limited hours, limited functions, need for equipment, etc.);
d. The employee must provide his or her supervisor a physician's note identifying temporary work restrictions or time off, within one (1) business day of the employee's receipt of the note;
e. The supervisor is then responsible to notify his or her relevant Appointing Authority or Appointed Department Head of the request for Temporary Transitional Duty; and
f. The relevant Appointing Authority or Appointed Department Head is responsible for seeking approval from the Risk Manager and Personnel Director in order to authorize Temporary Transitional Duty.

2. Non-Eligible Personnel.

The following are personnel who are ineligible:

a. Contractors, volunteers, inmates, interns or temporary employees;
b. Employees who have a common, contagious illness (e.g. cough, cold or flu) or an injury that has no impact on the ability to perform his or her regular job duties (e.g. an employee who works sitting at a desk and has a sprained ankle);
c. Employees on non-medical leave (e.g. military, bonding, etc.); or
d. Employees who have permanent restrictions that do not fall within the normal scope of his or her job activities.

3. Identify Potential Eligible Employees.

The guidelines used to identify potential eligible employees are as follows:

a. The department supervisor shall identify an employee who has been, or will be, off work due to an occupational injury or illness;
b. The employee shall self-identify by providing temporary work restrictions to his or her department supervisor;
c. Clarification of restrictions may be needed; and
d. The relevant Appointing Authority or Appointed Department Head, Personnel Director and the Risk Manager shall review medical records to identify potentially eligible employees. This determination will be made on a case by case base, while considering the best interest of the employee and Baldwin County during the evaluation.

4. Assess Work Restrictions and Develop Assignment.

The department should make every effort within five (5) working days or as early as possible, to do the following:

a. Provide a Temporary Transitional Duty Assignment, if feasible, for all work related injuries. The department director must email the proposed Temporary Transitional Duty Assignment and its duration to the Personnel Director and the Risk Manager;

b. Request assistance in the development of the Temporary Transitional Duty Assignment. Assistance from the Personnel Director and the Risk Management may include clarification from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternate job duties or special projects or an assessment of the appropriateness of the modification; and

c. Notify the Personnel Director and the Risk Manager if at any time the department is unable to provide a Temporary Transitional Duty assignment.

5. Communication of Assignment to Employee.

The department will discuss the Temporary Transitional Duty assignment with the employee. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment and the needs of the department. The employee will act in accordance with the duties assigned in a Temporary Transitional Duty assignment. The refusal to do so may result in the loss of workers compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

6. Completion of Temporary Transitional Duty Letter.

The relevant Appointed Department Head is responsible for the following:

a. Completing the Letter of Temporary Transitional Duty Assignment (TTD) along with the Personnel Director and Risk Manager;
b. Sending a copy of the TTD Letter to the immediate supervisor, the Personnel Director and to the Risk Manager;
c. Making certain that the employee begins his or her work in that assignment once the TTD letter is completed;
d. Meeting with the Risk Manager for a discussion of the Temporary Transitional Duty Assignment; and
e. Meeting with the employee for a discussion of the Temporary Transitional Duty Assignment.

7. Work Restrictions and Assignment Modification.

The relevant department head is responsible for:

a. Monitoring the assignment and the employee for compliance;
b. Re-assessing the assignment upon any change of temporary work restrictions or as the needs of the department change. This will also require a new TTD Letter.

The employee is responsible for providing within one (1) business day, any medical documentation detailing the revised temporary work restrictions to the department designee, if the temporary work restrictions change at any time during the current assignment.

8. Duration of Assignment.

    a. The duration of the Temporary Transitional Duty Assignment for occupational illnesses or injuries will be up to ninety (90) days, as the needs of the department allow;

    b. For any change in duration or temporary work restrictions, the department must complete a new Letter of Temporary Transitional Duty Assignment; and

    c. The duration shall not exceed ninety (90) days from the original date of the Temporary Transitional Duty Assignment, without approval from the relevant Appointed Department Head, Personnel Director and the Risk Manager.

9. Extension of Assignment.

Consideration for extensions may be considered for occupational illness or injury. An extension beyond ninety (90) days may be granted with approval from the relevant Appointing Authority or Appointed Department Head, Personnel Director and the Risk Manager. In no event shall Temporary Transitional Duty Assignments exceed three hundred and sixty-five (365) days for an occupational illness or injury.

10. Extension Requirements.

In order for an extension to be considered, the following requirements must be made:

    a. The department and the employee both request an extension;

    b. The employee has made progress in transitioning back to the regular assignment during his or her ninety (90) day Temporary Transitional Duty Assignment; and

    c. The extension is for a specific, short period of time due to the employee's medical physician indicating that the employee is progressing as expected toward returning to work in his or her regular assignment.

11. Transitional Duty Assignment Termination.

The Temporary Transitional Duty Assignment will terminate at any time, if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions.

The Temporary Transitional Duty Assignment will terminate at any time, if the physician:

    a. Releases the employee to full duty without restrictions;

b. Removes the employee from work; or
c. Indicates the employee has permanent restrictions.

Where restrictions are permanent, Appointing Authority and Appointed Department Heads should refer to the Personnel Director and Risk Manager for additional guidance and directives.

The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment, unless an extension has been requested and approved per the policy. If the department is terminating the Temporary Transitional Duty Assignment prior to the agreed upon end date, the Appointing Authority and Appointed Department Head shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant Appointing Authority and Appointed Department Head, Personnel Director and the Risk Manager.

12. Dispute Resolution.

In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment, the employee or department may follow the grievance procedure as shown in section *II.B Equal Employment Opportunity/Employment Grievance Procedures.*

G. General Safety and Health Rules

The Baldwin County Commission makes every effort to provide a work place free of recognized hazards. The Baldwin County Commission, therefore, reserves the right to amend, modify or rescind any provisions contained herein. These general rules are for guidance. Employees must be familiarized with every rule set forth herein.

Because of the variation in the work in the departments, it is impossible to include in this handbook all the rules governing safety of operations. Rules that apply to specific operations or departments will be brought to the employee's attention by his or her supervisor. The following are examples of such rules but are not all inclusive.

H. Safety Rules

1. Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, ear plugs and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment. This will be determined by the Job Safety and Health Analysis (JSHA) that will be conducted for the specific job title.
2. A face shield or safety glasses are required when employees are using a grinder, weed eater, lawnmower, trimmer, chainsaw, mulcher, chipper, etc., or when performing other operations where sparks or small pieces of debris can become airborne.

3. Any employee welding must use a welding shield. Any employee using a torch must wear the appropriate shaded lens or shield.
4. Never operate any piece of equipment, machine, crane, tractor, forklift, etc., unless trained and instructed to do so.
5. Never operate a machine unless all guards are in place. If a guard is missing or in need of repair, it is the employee's responsibility to notify his or her supervisor immediately.
6. Report unsafe acts and unsafe conditions to the department supervisor immediately.
7. Be sure the machine has stopped running before it is cleaned or adjusted. Follow the guidelines set forth by OSHA for de-energizing equipment.
8. Always wear leather chaps when operating a chainsaw.
9. Long pants/trousers are required to be worn while operating weed-eaters, trimmers, saws, lawnmowers, etc., in order to help reduce the number of injuries associated with the operation of such equipment.
10. At no time should any part of the body be placed in a potential area that may result in contact with moving machinery.
11. At no time is an employee permitted to climb on, walk on, stand on or jump over machinery or other equipment in contravention or violation of the safety and/or operations manual for the machinery or equipment.
12. At no time should an employee use defective tools or equipment. Always inspect any tool or piece of equipment about to be used. If a tool or piece of equipment is defective, it is the employee's responsibility to notify his or her supervisor immediately. Always use the proper tool for the job. Do not use tools with mushroomed heads. All files must have handles.
13. Only authorized employees are permitted to service or maintain electrical equipment.
14. All aisles, walkways, gates, etc., must be kept clear of debris at all times.
15. Never turn compressed air on yourself or anyone else. Do not clean your person or clothing with compressed air. As little as four pounds of air pressure can rupture an eyeball or an eardrum. Employees must always properly wear a face shield when using compressed air.
16. Lift the right way to avoid strain. Bend at the knees, keep the body erect and then push upward with the legs. Never lift any item that is too heavy. Get help.
17. Employees are prohibited from riding on the forklifts, cables, slings or any other part of any machine or crane. Only authorized personnel are permitted to operate forklifts and other powered industrial trucks. The operator is the only person authorized to ride on a forklift or powered industrial truck.
18. Any employee who is in a man lift or basket of any kind must properly wear a safety harness and lanyard while in the basket or man lift.
19. Never walk or stand under a suspended load.
20. Do not use lifting slings, hooks or chains without inspecting them first. If faulty, do not use them. Employees must contact their supervisor for proper inspection procedures or to report faulty equipment. Do not use "homemade" slings, hooks, or other lifting devices for any load bearing purpose. Slings and chains should have a manufacturer tag or label on them, which tells the date the item was made and its rated load capacity. Homemade lifting devices such as hooks and slings are not to be used.

21. Never use a makeshift or defective scaffold.
22. Gloves must be worn when working on jobs that present hand hazards.
23. All employees who are working from an elevated platform of any kind over six (6) feet high without the proper guard rails installed are required to properly wear fall protection equipment.
24. Only authorized employees are allowed to enter a confined space at any time.
25. Each employee working in or on a piece of equipment that is required to be locked out must attach his or her own individual lock out device to the machinery or equipment.

I. Health Rules

1. In case of injury, no matter how slight, immediately report it to the department supervisor.
2. Keep the work place clean. Put all rags, trash, cups and waste in containers provided for that purpose.
3. All personnel who are required to wear a respirator must successfully pass a PFT (Pulmonary Function Test).
4. All personnel who wear a respirator or dust mask are required to be clean-shaven at the time that the respirator or dust mask is used.
5. Use extreme care in handling all chemicals.
6. If you work in oil or toxic combustibles, be particular about washing and scrubbing your hands.

J. Fire and Environmental Rules

1. Report any fire or emergency immediately to the department supervisor.
2. All employees are to be familiar with emergency exits, emergency evacuation meeting areas and firefighting equipment such as fire extinguishers. Fire extinguishers are located throughout County buildings. These extinguishers have instructions on how to operate the extinguisher and for what type of fire they are designed to be used.
3. Never block an exit or firefighting equipment.
4. All flammable liquids must be maintained in approved containers. All bulk flammable material must be stored in a flammable storage locker or equivalent.
5. All containers must be labeled as to its contents.
6. Rags saturated with flammables must be kept in approved safety containers.
7. Never pour oil, flammable liquids or other unauthorized chemicals into any sewer or drain.
8. Smoking is prohibited in restricted areas.
9. Employees should strive to protect the environment, minimize waste, meet all established environmental goals and objectives and strive for continuous improvement.
10. In the event of a chemical or oil spill, please notify the department supervisor immediately.

Violation of any safety, health, fire or environmental rule may result in appropriate corrective action that may vary from a verbal warning to termination of employment, depending on the seriousness of the violation.

K. Alcohol and Drugs – Drug Free Workplace Policy

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

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

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

In order to avoid creating safety problems and violating this policy, employees must inform his or her supervisor when he or she is legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects his or her ability to work. Employees whose job performance may be affected by such medications 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 immediate 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. The 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.

The Baldwin County Commission has designated the Risk Manager as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact him or her at: (251) 937-0265.

Employees of the Baldwin Rural Area Transportation System (BRATS) are subject to ALDOT Substance Abuse Regulations, unless the County's policies are more stringent, in which case the

County's policy would apply.

1. Definitions.

   a. "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 belonging to the County.
   b. "Administrator" means the person or entity that implements drug testing on employees and applicants.
   c. "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
   d. "Chain of Custody" means procedures implemented by the Baldwin County Commission for the identification and integrity of each urine specimen. The Baldwin County Commission requires the 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.
   e. "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.
   f. "Collection Site" means a place designated by the Baldwin County Commission 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 transportation or shipment of the samples to a laboratory.
   g. "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, stimulants or hallucinogens the sale purchase, transfer, use or possession of which are prohibited or restricted by law.
   h. "County" means Baldwin County.
   i. "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.

j. "Drug Program Coordinator" is the person designated by the Baldwin County Commission to ensure compliance with this Policy, including, but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the Baldwin County Commission 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.

k. "Employer Premises" includes all property owned, leased, used or under the control of Baldwin County Commission, 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.

l. "Employee" means any and all employees of the Baldwin County Commission.

m. "Illegal/Unauthorized Drug" means any drug (1) 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 (2) all illegal drugs, including, but not limited to, methamphetamine, marijuana, cocaine, etc.

n. "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.

o. "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.

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

q. "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 or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee's body.

r. "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 or her medical history and any other relevant biomedical information.

s. "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.

t. "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.

u. "Safety-Sensitive Employees" are those persons who are subject to random drug and alcohol testing. 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 employee 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.

2. Persons Subject to Testing.

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

a. All employees who hold positions or regularly perform duties that have been designated to be "safety sensitive" by the Baldwin County Commission;
b. 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; and
c. 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 Baldwin County Commission's property during any activity sponsored, supervised or in which the Baldwin County Commission participates.

3. Types of Testing.

Pursuant to Baldwin County Commission's policy and procedures, employees will undergo testing as follows:

a. 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;
b. RANDOM TESTING: All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them;
c. REASONABLE CAUSE TESTING: Baldwin County Commission 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 (1) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) 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;
d. Employees arrested or convicted for the off-the-job use or possession of illegal or

controlled substances shall undergo testing to assist Baldwin County Commission in determining fitness for duty. If the employee tests positive, the Baldwin County Commission shall discharge the employee;

e. POST ACCIDENT TESTING: All employees are required to report all injury or damage related accidents 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 a reportable incident or a reportable accident; and

f. RETURN-TO-DUTY TESTING: If an employee has violated the prohibited drug and alcohol rules, he or she must take and pass a drug and alcohol test before returning to work. Further, any employee 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 the Baldwin County Commission 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 Baldwin County Commission also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought onto Baldwin County Commission's property or any other property on the Baldwin County Commission's property, under control of any employee or in the personal vehicle of any employee and located on the Baldwin County Commission's property and used by said employee in commuting to work or in that employee's duty as an employee.

4. Safety Sensitive Employees.

Employees are considered to be "safety-sensitive" when his or her 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:

a. Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors and riding mowers;
b. 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;
c. 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;
d. Regularly operate tools that have the capacity to seriously injure the user or another person;
e. Loading and unloading vehicles or heavy equipment;
f. Any activity related to the safe operation of a mass transit system, including dispatching

vehicles;

g. Carrying any weapon or object for the purpose of performing job duties that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers or batons;
h. Answering emergency calls and/or directing the provision of emergency services; or
i. Providing emergency medical services.

A list of positions that have been designated as safety sensitive by Baldwin County is available for view in the Personnel Department. 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 (2) different random testing pools, including one pool for persons specifically subject to regulation by DOT and one (1) 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.

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 IMMEDIATE DISMISSAL.

5. Necessity of Compliance with Testing Requirements.

All employees are subject to reasonable suspicion and post-accident testing as a condition of his or her employment. In addition, all safety-sensitive employees will be subject to pre-employment and random urine drug test and breath alcohol testing as a condition of 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 his or her 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 the following:

a. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Baldwin County Commission;

b. Failure to remain at the testing site until the testing process is complete;
c. Failure to provide a urine specimen for any required drug test;
d. Failure to permit the observation or monitoring of the specimen collection when required to do so;
e. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
f. Failure to take a second test when directed to do so by the Baldwin County Commission or collector;
g. Failure to undergo a medical examination when directed to do so by the MRO or the Baldwin County Commission;
h. 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 or fail to wash hands after being directed to do so by the collector);
i. Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
k. Admit to the collector or MRO that the specimen has been adulterated or substituted;
l. Failure to sign step two (2) of the alcohol test form; or
m. Leaving the scene of an accident without a valid reason before post-accident tests has been completed. Failure to remain "readily available."

6. 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.

7. Prescription Drugs.

The proper use of medication prescribed by a physician is <u>not</u> prohibited; however, the Baldwin County Commission prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Baldwin County Commission's Medical Review Officer (MRO) or their Drug Program Coordinator, when these drugs may affect his or her job performance, such as by causing drowsiness. Employees may not perform safety-sensitive functions while using 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.

8. 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 Baldwin County Commission 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 or 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 ninety (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.

A MRO may report negative pre-employment rest 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 pre-employment/reclassification drug testing prior to his or her employment and that they will be subject to drug and alcohol testing throughout the period of his or her employment. Applicants will acknowledge in writing his or her understanding of these provisions for his or her application and employment. The Baldwin County Commission 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 having successfully completed a referral, evaluation and treatment plan.

9. 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 Baldwin County Commission shall ensure that the employee is transported immediately to a collection site for the collection of a urine 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.

10. Random Testing.

The Baldwin County Commission will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two (2) 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.

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.

11. Post Accident Testing.

Employees are required to immediately notify the Drug Program Coordinator or designee of any accident resulting in injury or damage to any County 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 as soon as possible after the accident, but in no case later than eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

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 one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in his or her usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car,

trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Baldwin County Commission using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

After notification of any accident, the County will arrange for the employee to be taken as soon as practicable to collection site designated by County. The supervisor or designee will schedule the employee and assure that he or she is tested the same day as the reportable accident, if possible.

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. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or 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 for eight (8) hours following an accident or until he or she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight (8) hours following an accident for alcohol and not to exceed thirty-two (32) hours post-accident for drug testing. If there is a delay of greater than two (2) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must still attempt to administer an alcohol test for up to eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test.

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 ensure that an accident report is filed in compliance with Commission policy and applicable laws and regulations.

12. General Testing Procedures.

The Baldwin County Commission 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:

a. All testing procedures, including collections, will be performed by certified technicians

and/or laboratories;

b. 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;

c. The employee shall complete a drug testing custody and control form;

d. The Drug Program Coordinator 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;

e. 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 seventy-two (72) hours after notification of a positive sample that he or she desires a retest under this provision;

f. If a split sample test produces a negative result or if they second portion is not available, the test is considered negative, and no sanctions will be imposed; and

g. All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.

Both the Baldwin County Commission and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

13. Substances Tested For.

DOT employees will regularly be tested for:

- Marijuana (THC Metabolite);
- Cocaine;
- Amphetamines;
- Opiates (including heroin);
- Pheneyefidine (PCP); and
- 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 County for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

14. Collection Sites.

The Baldwin County Commission will designate a collection site in a reasonably accessible location.

15. 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 paper work 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:

a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
b. Both bottles are sent to a laboratory;
c. Only "primary" specimen is opened and used for analysis;
d. "Split" specimen remains sealed and stored at the laboratory;
e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis;
f. If it is positive for one (1) 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; and
g. GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.

16. 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:

a. All return-to-duty tests;
b. All follow-up tests;
c. 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 Farenheit;
d. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
e. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
f. 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; or

g. 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.

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

17. 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 (4) hours prior to going on duty.*** A Blood Alcohol Content (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. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function. 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.

18. 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.

19. Request for Re-Test.

An employee may submit a written request for a retest of the original specimen within seventy-two (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.

20. Release of Test Results.

Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Baldwin County Commission, 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 Baldwin County Commission 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 the Baldwin County Commission to review records of previous drug and alcohol testing information.

21. 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:

a. Records related to the collection process, including:

    i. Collection logbooks, if used;
    ii. Documents relating to the random selection process;
    iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
    iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
    v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.

b. Records related to test results:

    i. The employer's copy of the custody and control form;
    ii. Documents related to the refusal of any employee to submit to a test; and
    iii. Documents presented by an employee to dispute the result of a test.

c. 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.

d. Records related to employee training:

   i. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
   ii. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
   iii. 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; and
   iv. Certification that any training conducted under this part complies with the requirements for such training.

e. 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.

22. Employee Education and Training.

The Baldwin County Commission will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. The Baldwin County Commission will provide one (1) hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one (1) 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.

23. 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 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

24. Employee Assistance Programs (EAP).

The County's EAP shall include:

a. Education and training for employees regarding drugs and alcohol; and
b. Education and training for supervisors regarding drugs and alcohol, including:
    i. Effects and consequences of substance use on personal health, safety and work;
    ii. Manifestations and behavioral causes that may indicate substance use;
    iii. Documentation of training provided; and
    iv. A written statement on file and available at the Commission office outlining the EAP.

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

25. Investigation/Searches.

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or 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 will do so for him or 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.

26. 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:

<u>Designated Baldwin County Commission Representative/Program Manager:</u>

Title:	Risk Manager
Address:	322 Courthouse Square, Bay Minette, AL 36507 Telephone Number: (251) 937-0265

L. Fleet Policy

The use of a County vehicle is a privilege that is granted by the Baldwin County Commission and is not a right of County employees. The County reserves the right to revoke the use of a County vehicle at any time and from any County employee. This procedure is not all inclusive by itself, but is put forth on a good faith effort by the County to ensure the safety and well-being of all County employees and provide the minimum standards for the Baldwin County Commission Vehicle Fleet Policy. The goal of this policy is to ensure the safety of the public, person operating a County vehicle and all other County employees as well as provide consistent guidelines for the assignment and or use of all vehicles owned by Baldwin County.

1. Permitted Uses of County Owned Vehicles.

    a. Only Baldwin County employees, contracted temporary placement service provider employees or other drivers as authorized by the Baldwin County Commission may be authorized to drive or operate County vehicles and/or equipment; and

    b. Baldwin County vehicles shall only be used for official County business with reasonable consideration of use for meals or other items in accordance with Alabama Ethics Laws, while in the course of performing business on behalf of Baldwin County.

2. Driver Requirements/Qualifications.

    a. Each driver of any Baldwin County owned vehicle must have and maintain a valid driver's license.

    b. It is the Baldwin County policy for employment that every employee should submit and successfully pass a motor vehicle record (MVR) check and meet the grading requirements listed below. This MVR policy applies both to drivers of County owned vehicles as well as employees using personal vehicles in the course of County business. All employees are subject to an annual review (at a minimum) of his or her motor vehicle driving record (MVR) with the Alabama Department of Public Safety. Those employees found to be high risk or who have failed to report violations and or accidents to the County, will have his or her vehicle driving privileges revoked, resulting in possible dismissal for employees in positions where vehicular transportation is deemed an essential job function. The Baldwin County Personnel Department will be responsible for administering these MVR checks with the exception of those employees (example BRATS Drivers) which are regulated by law to be conducted by their own department personnel.

    c. MVRs will be examined prior to the start of employment and are subject to be examined at a minimum of annually thereafter. Any job offer made to an employee or potential employee candidate for a position with driving duties shall be contingent upon an MVR meeting the required standards outlined below:

        i. All operators must have a valid driver's license for at least three (3) years;

        ii. No new driver will be hired with a "poor" MVR;

iii. MVRs will be graded on the table below, as a minimum requirement for new employees;

iv. Driving records must remain "acceptable" or "clear" as graded on the table below for continued employment in the position that may require driving duties. A "borderline" record will be evaluated for appropriate action as deemed necessary by the Relevant Appointing Authority and Appointed Department Head, Personnel Director and County Administrator;

v. Any exceptions to these guidelines must meet the approval of the Personnel Director and the County Administrator for written approval. The County's auto insurance provider will be consulted on any MVR not meeting the minimum requirement; and

vi. The motor vehicle grading system may be based on the last five (5) years of the employee's MVR.

Number of Type "B" and/or Type "C" Violations	Number of At-fault Accidents			
	0	1	2	3 or more
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4 or more	Poor	Poor	Poor	Poor
Any Type "A" Violations.	Poor	Poor	Poor	Poor

d. If at any time the employee of the Baldwin County Commission is required to drive as part of his or her job duties, then the employee must notify his or her supervisor of any, citation, arrest, conviction, suspension or revocation (whether temporary or permanently) in regards to any DUI, Substance Abuse or Motor Vehicle (Traffic) Violations or Accidents whether on or off duty, before 9 a.m. on the next business day. Failure to notify the supervisor may result in disciplinary action, up to, but not limited to, termination. It is the supervisor's responsibility to immediately notify his or her relevant Appointed Department Head. The Appointed Department Head is responsible for immediately notifying the Personnel Department of any such related event.

e. Driver qualifications are as follows:

i. Must be an authorized employee of the County.

ii. Must be at least twenty (20) years of age.

iii. Preferred one (1) year of experience in the class of vehicle that is to be operated.

iv. Must meet all applicable licensing requirements.

v. Will not qualify for a County vehicle if, during the last sixty (60) months, the driver had any of the following experiences:

1. Been convicted of a felony;

2. Been convicted for the sale, handling, distributing or illegal use of drugs or any controlled substance;
3. Had automobile insurance canceled, declined or not renewed by his or her insurance company due to fault of the employee;
4. Had drivers license suspended or revoked; or
5. Been involved in two (2) or more "chargeable" accidents which resulted in a citation being issued.

vi. If required, an employee must meet special operator licensing requirements as necessary:

1. Class "A" Operators License: allows the employee to operate vehicles which tow trailers or other vehicles with a gross vehicle weight rating (GVWR) over 10,000 pounds. A Class "A" license also allows the employee to operate Class B and C vehicles;
2. Class "B" Operators License: allows the employee to operate single vehicles with a GVWR of 26,001 lbs. or more or a gross combination weight rating (GCWR) of 26,001 lbs. or more, towing trailers/vehicles rated at 10,000 pounds GVWR or less. A Class "B" license also allows the operation of Class C vehicles; and
3. Class "C" Operators License: allows the employee to operate vehicles under 26,001 lbs. GVWR, that would normally not require a commercial driver's license (CDL); except when they are designed to transport sixteen (16) or more persons including the driver; or that carry fifteen (15) or less people (including the driver) transporting children to or from school and home regularly for compensation or carry hazardous materials in amounts requiring it to be placard. Applicable endorsements are required.

f. Variation of Fleet Policy Safety Rules (Type A, B, & C)

i. Any driver (employee or applicant) receiving type "A" violations may result in disciplinary action(s) including, but not limited, to termination of employment with Baldwin County. All type "A" violations will be considered on case by case basis, while also reviewing the employee's driving history for the last five (5) years, in making corrective action decisions. Type "A" Violations consist of the following:

1. Driving while intoxicated;
2. Driving while under the influence of drugs or receiving any other drug related charges;
3. Negligent homicide, manslaughter or assault arising out of the use of a motor vehicle (gross negligence);
4. Aggravated assault with a motor vehicle;

5. Hit and run (bodily injury or property damage);
6. Failure to report an accident to supervision as required;
7. Failure to report an accident to law enforcement as required by law;
8. Filing a false accident report;
9. Driving while license is suspended or revoked;
10. Attempting to elude law enforcement;
11. Racing; or
12. Speeding (More than 25 mph above speed limit).

ii. Any driver (employee or applicant) showing a type "B" violation may be restricted from driving County vehicles and/or subject to disciplinary action(s) as warranted. All class B violations will be considered on a case by case basis, while also reviewing the employee's driving history for the last five (5) years, in making corrective action decisions. A total of two type "B" violations in a three (3) year period may result in disciplinary action, including, but not limited to, termination of employment. Type "B" Violations consist of:

1. Wreckless endangerment; or
2. At fault vehicular accidents.

iii. Any driver (employee or applicant) showing a type "C" violation may be restricted from driving County vehicles and/or subject to disciplinary action(s) as warranted. All type "C" violations will be considered on case by case basis, while also reviewing the employee's driving history for the last five (5) years, in making corrective action decisions. A total of four type "C" violations in a three (3) year period may result in disciplinary action, including, but not limited to, termination of employment. Type "C" Violations consist of all other items not listed as a Type "A" or Type "B", but not limited to:

1. Speeding (Less than 25 mph above speed limit);
2. Failure to yield;
3. Violating a traffic signal;
4. Failure to stop;
5. Improper turn;
6. Improper lane change;
7. Careless driving;
8. Following too closely;
9. Improper or failure to display license plate; and
10. Other such violations not covered under Type "A" or Type "B" violations; or

iv. Any combination of type "B" and type "C" violations which equal four (4) or more in the last three (3) years may result in disciplinary action, including but not limited, to termination of employment.

3. General Operator Safety Rules.

a. The use of a County vehicle or personal vehicle while performing work duties while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment;

b. Employees driving County vehicles are required to obey all motor vehicle laws and regulations. Employees must operate the vehicle in a safe and courteous manner and follow all safety related policies and procedures while operating County owned vehicles;

c. Possession, transportation or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly prohibited;

d. Cell phone use in commercial vehicles will be restricted. Drivers are prohibited from using even one (1) hand to hold a mobile phone to conduct a voice communication. Drivers are not allowed to dial or answer a mobile phone by pressing more than a single button. Reaching for a mobile phone in a manner that requires the driver to maneuver so that he or she is no longer in a seated, belted or driving position is also prohibited. (Reference: Federal Motor Carrier Safety Administration ruling as of 01/03/2012.) Effective August 1, 2012, Alabama law prohibits ALL drivers of all types of vehicles from writing, sending or reading a text or email while operating a motor vehicle. The law allows a driver to contact emergency services. The law does not prohibit making or receiving cellular telephone calls or typing in a name or number to make such a call. Law enforcement officers enforcing this section may treat a violation of this section as the "primary or sole reason" for issuing a citation to a driver and may pull over a driver suspected of violating the law. Drivers may use a wireless communication device as a global positioning or navigation system to receive driving directions which has been pre-programmed with the desired coordinates. The programming of coordinates while operating a vehicle remains a violation of this section. Drivers may receive or send texts if parked on the shoulder of the highway, road or street;

e. No driver shall operate a County vehicle or personal vehicle while performing work duties when his or her ability to do so safely has been impaired by illness, fatigue, injury or medication;

f. All drivers and passengers operating or riding in a County vehicle ***are required*** to wear seat belts or other available personal restraints required by law, even if air bags are available;

g. No unauthorized personnel are allowed to ride in County vehicles;

h. Drivers are responsible for the security of County vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed and vehicle doors locked whenever the vehicle is left unattended; and

i. Head lights shall be used two (2) hours before sunset and until two (2) hours after sunrise or during inclement weather or at any time when an estimated distance of five hundred (500) feet ahead of the vehicle cannot be clearly seen.

4. Vehicle Assignment.

a. County vehicles are normally assigned to an individual at the start of his or her work period and are the employee's responsibility until the completion of the assigned work period when the vehicle is returned;
b. Employees should inspect the County owned vehicle on a daily basis (i.e. oil, tires, transmission fluid, etc.). It is the responsibility of the County employee to keep his or her assigned vehicle clean (inside and outside);
c. It is the responsibility of the driver to make sure that the County owned vehicle is equipped with proof of insurance, current registration and gas card. These items are issued to the vehicle, not the driver and must not be removed under any circumstances;
d. Consistent with applicable Baldwin County Commission policy, a County vehicle may be assigned to an employee who regularly requires vehicular transportation in the performance of his or her work duties and requires the use of the vehicle during off duty time for frequent on-call or call-in for emergency purposes. The assignment may be regular and on-going or for a specific period of time such as weekly on-call duty;
e. If the employee is going on vacation or will be off work for any length of time, the employee's supervisor may require the employee to park the County owned vehicle at the workplace;
f. County employees authorized to use his or her personal vehicles for periodic County business may be reimbursed for mileage at the rate established by the Baldwin County Accounting Department in accordance with Internal Revenue Service, as approved by the County Commission;
g. Baldwin County will not pay for any traffic tickets or parking fines of an employee operating a County owned vehicle, nor will the County pay if the employee is authorized to use his or her personal vehicle on County business. An employee found guilty of moving violations while in County vehicles may be subject to disciplinary action by the County. All such related fines received by the employee are his or her personal responsibility; and
h. An employee receiving a travel allowance and using a personal car for County business assumes liability for bodily injuries or property damage arising out of an accident occurring in connection with operation of his or her personal vehicle. Such employees are required to have a minimum liability limit of $25,000 for bodily injury/death liability for one person in an accident, $50,000 for all injuries/deaths in an accident and $25,000 for property damage in an accident in accordance with Section 32-7-6, Code of Alabama 1975. The policy must be issued by an insurance company qualified to issue motor vehicle liability insurance in Alabama.

5. Gasoline Purchases.

   Gasoline is to be used for County vehicles and equipment only. Any employee violating this policy may receive disciplinary action, including but not limited to, termination of employment and/or be subject to prosecution under Alabama Ethics Law.

6. Smoking.

   The Baldwin County Commission has declared all County vehicles smoke-free. Smoking in a County vehicle may result in disciplinary action.

7. Vehicle Accident Procedures.

Regardless of the situation, the following procedures must be followed in the event of an accident or incident with any County owned vehicle or property;

a. Immediate notification of proper law enforcement agency for accident investigation and report as applicable;

b. Immediate notification of the employee's supervisor, relevant Appointed Authority and/or Appointed Department Head;

c. Notification of the Personnel Department within twenty-four (24) hours of the accident/incident;

d. Prepare a Baldwin County Vehicle Accident Report. This, along with a copy of the law enforcement report as applicable, should be turned in to the Personnel Department within twenty-four (24) hours of the accident/incident;

e. If necessary, a first report of injury must be submitted to the Personnel Department within twenty-four (24) hours of the accident/incident;

f. Securing accident repair estimates and approval of actual repairs is the responsibility of the , relevant Appointed Authority and/or Appointed Department Head; and

g. In the event of an accident in a County vehicle or while on official County business:

   i. Do not admit negligence or liability;

   ii. Do not discuss the accident with anyone except appropriate law enforcement personnel and/or official County representative;

   iii. Do not attempt settlement regardless of how minor;

   iv. Get name, address and phone number of any injured person and any witness if possible;

   v. Exchange vehicle identification, County insurance name and policy numbers with other drivers or law enforcement personnel, if applicable;

   vi. Take a photograph of the scene of the accident, if possible;

vii. If needed, notify 911 for requested ambulance, fire department and law enforcement personnel;

viii. Law enforcement should be notified if the accident involves another vehicle or a pedestrian;

ix. Complete the Baldwin County Accident Report in regards to this accident/incident; and

x. Turn all information over to the supervisor within twenty-four (24) hours of the accident/incident.

8. Post Accident Substance Abuse Testing.

   a. See *Section VII.D. Workers Compensation* for further guidance involving an accident, incident or injury.
   b. If it is suspected that an employee is impaired by alcohol and/or drugs at any time while on duty or while operating a County owned vehicle or equipment, then efforts will be made to safely remove that employee from the workplace and/or County vehicle or any personal vehicle being used for County business; and
   c. Any disciplinary action that is decided, will be based on the totality of the circumstances surrounding the event, the Baldwin County Substance Abuse Policy and the past work history of the employee. Actions may or may not include a Last Chance Assistance Agreement, referral and evaluation by a substance abuse counselor or termination. For additional substance abuse guidelines, you must refer to the Baldwin County Substance Abuse Policy or contact the Personnel Department.

9. Preventable Accidents.

   a. A preventable accident is defined as any accident involving a County vehicle/equipment or any vehicle used on County business, which results in property damage and/or personal injury and in which the driver failed to exercise every reasonable precaution to prevent the accident. Preventable accidents shall result in corrective action of the employee as determined by the Baldwin County Personnel Department. Examples of preventable accident contributors are, but not limited to, the following:

      i. Following too closely;

      ii. Driving too fast for conditions;

      iii. Failure to observe clearances;

      iv. Failure to obey traffic signs;

      v. Improper turns;

      vi. Failure to observe signals from other drivers;

      vii. Failure to reduce speed;

      viii. Improper parking;

ix. Improper passing;

x. Failure to yield;

xi. Improper backing;

xii. Failure to obey traffic signals or directions;

xiii. Exceeding the posted speed limit; and

xiv. Driving under the influence of drugs or alcohol;

The Baldwin County Vehicle Accident Report, Section 1, is to be completed by the employee. Only complete the sections that apply to the employee. The report should be submitted to the Personnel Department by the supervisor within twenty-four (24) hours of the accident/incident.

Section 2 of the Baldwin County Vehicle Sample Accident Report is to be completed by the employee's supervisor. Only complete the sections that apply to the employee. Report should be submitted to the Personnel Department by the supervisor within twenty-four (24) hours of the accident/incident.