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117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## **Agenda**

**Friday, March 2, 2018 ♦ 9:00 AM**

*Putnam County Administration Building – Room 203*

### **Opening**

1. Welcome - Call to Order
2. Invocation
3. Pledge of Allegiance
4. Special Presentation - Retirement Proclamation

### **Regular Business Meeting**

5. Public Comments
6. Approval of Agenda
7. Consent Agenda
  - a. Approval of Minutes - February 20, 2018 Regular Meeting
  - b. Approval of Minutes - February 20, 2018 Executive Session
  - c. Approval of Engagement Letter from McNair, McLemore, Middlebrooks & Co., LLC for Audit Services
  - d. Approval of 2018 Permanent Caterer Alcohol License
8. Appointment of Chairperson of the Board of Elections and Registration
9. Discussion and possible action regarding parking on Briarpatch Road
10. Discussion and possible action on the proposed sale of water to Piedmont Water Company
11. Approval of Revised Second Chance Drug and Alcohol Testing Policy for Putnam County Transit

### **Reports/Announcements**

12. County Manager Report
13. County Attorney Report
14. Commissioner Announcements

### **Closing**

15. Adjournment

**Backup material for agenda item:**

7. Consent Agenda
  - a. Approval of Minutes - February 20, 2018 Regular Meeting
  - b. Approval of Minutes - February 20, 2018 Executive Session
  - c. Approval of Engagement Letter from McNair, McLemore, Middlebrooks & Co., LLC for Audit Services
  - d. Approval of 2018 Permanent Caterer Alcohol License

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## Minutes

**Tuesday, February 20, 2018 ♦ 6:30 PM**

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Tuesday, February 20, 2018 at approximately 6:30 PM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia

### *PRESENT*

- Chairman Stephen Hersey
- Commissioner Kelvin Irvin
- Commissioner Daniel Brown
- Commissioner Alan Foster
- Commissioner Trevor Addison

### *STAFF PRESENT*

- County Attorney Adam Nelson
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth

### **Opening**

1. Welcome - Call to Order

Chairman Hersey called the meeting to order at approximately 6:30 p.m. (Copy of agenda made a part of the minutes on minute book page \_\_\_\_\_.)

2. Invocation

The invocation was given by Pastor Tim Oliver, Lakeside Baptist Church.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hersey.

### **Regular Business Meeting**

4. Public Comments

Mr. Don Cottrell commented on his favorite month – February – he celebrated his 64<sup>th</sup> wedding anniversary on the 5<sup>th</sup> and will celebrate his 86<sup>th</sup> birthday on the 21<sup>st</sup>.

5. Approval of Agenda

Chairman Hersey requested to move items 9, 10, and 11 (Executive Session) to after item 6 (Consent Agenda). Commissioners Foster and Addison preferred to leave it where it is since there are people here to speak on item 7 (Proposal from Public Works). **Motion made by Commissioner Foster, seconded by Commissioner Addison, to approve the agenda as published. Motion carried with Commissioners Irvin, Brown, Foster, and Addison voting yes and Chairman Hersey voting no.**

6. Consent Agenda

- a. Approval of Minutes - January 16, 2018 Work Session
- b. Approval of Minutes - February 2, 2018 Regular Meeting
- c. Approval of Minutes - February 2, 2018 Executive Session
- d. Approval of Minutes - February 5, 2018 Joint Called Meeting
- e. Approval of 2018 Alcohol Licenses

**Motion made by Commissioner Foster, seconded by Commissioner Addison, to approve the Consent Agenda. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes.** (Copy of approved alcohol licenses made a part of the minutes on minute book pages \_\_\_\_\_.)

7. Proposal from Public Works for Vehicle and Equipment Acquisition

Public Works Director Tony Clack explained the vehicle and equipment needs and quotes. County Manager Van Haute advised that these purchases would come from SPLOST and TSPLOST funds. They both also discussed the litter control issue, showing a photo of a new Trash Vac machine they are planning to demo and suggesting that the prison contract not be renewed due to the lack of reliable labor. **Motion made by Commissioner Addison, seconded by Commissioner Foster, to approve the proposal by Public Works to include a 2019 Freightliner M2 112 with a 30 ton roll off hoist from Peach State Truck Centers for \$144,128.00; four John Deere 5090M series tractors from AgPro for \$46,024.52 annually; and a 2018 Bomag BMP-8500 trench roller from Yancy Rents for \$31,250.00. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes.**

8. Final approval of abandonment of a portion of Price Road and authorization for Chairman to sign the Affidavit of Abandonment

**Motion made by Commissioner Foster, seconded by Commissioner Addison, to approve the abandonment of a portion of Price Road and authorize the Chairman to sign the Affidavit of Abandonment and instruct the County Manager to install road closed signs and barricades. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes.** (Copy of affidavit made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

**Executive Session**

9. Motion to enter Executive Session as allowed by O.C.G.A. 50-14-4, if necessary, for Personnel, Litigation, or Real Estate

**Motion made by Commissioner Foster, seconded by Commissioner Addison, to enter Executive Session as allowed by O.C.G.A. 50-14-4 for litigation. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes.**

Meeting closed at approximately 7:12 p.m.

10. Motion to reopen meeting and Execute Affidavit concerning the subject matter of the closed portion of the meeting

**Motion made by Commissioner Foster, seconded by Commissioner Addison, to reopen the meeting and executive an affidavit concerning the subject matter of the closed portion of the meeting. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes. (Copy of affidavit made a part of the minutes on minute book page \_\_\_\_\_.)**

Meeting reopened at approximately 8:48 p.m.

11. Action, if any, resulting from the Executive Session

County Attorney Nelson reported that one litigation matter was discussed with no final action taken. **Motion made by Commissioner Addison, seconded by Commissioner Irvin, to adopt the Second Amendment to the Intergovernmental Agreement between Putnam County, Baldwin County, and the Sinclair Water Authority and authorize the Chairman to sign said agreement. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes. (Copy of agreement made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)**

Commissioner Addison also read a public statement from the Board of Commissioners regarding the Sinclair Water Authority. (Copy of statement made a part of the minutes on minute book page \_\_\_\_\_.)

**Reports/Announcements**

12. County Manager Report

County Manager Van Haute reported the following:

- Lou Benjamin and the Georgia Writers Museum will be here Friday at noon for a meeting with DCA; they will be applying for a OneGeorgia grant
- Glenwood Springs Road bridge is in need of repair; the weight limit was recently dropped from 15 to 10 tons; should have an estimate next week

13. County Attorney Report  
No report.

14. Commissioner Announcements  
Commissioner Irvin: none

Commissioner Brown: none

Commissioner Foster: thanked the County Manager and Public Works Director for looking into litter solutions

Commissioner Addison: none

Chairman Hersey: thanked the board for assistance and cooperation with resolving the SWA issue

**Closing**

15. Adjournment

**Motion made by Commissioner Addison, seconded by Commissioner Irvin, to adjourn the meeting. Motion carried with Commissioners Irvin, Brown, Foster, and Addison and Chairman Hersey voting yes.**

Meeting adjourned at approximately 8:58 p.m.

ATTEST:

Lynn Butterworth  
County Clerk

Stephen J. Hersey  
Chairman

# PUTNAM COUNTY BOARD OF COMMISSIONERS



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Office of the County Clerk

117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)

[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us) ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

The draft minutes of the February 20, 2018 Executive Session are available for Commissioner review in the Clerk's office.

# McNAIR, McLEMORE, MIDDLEBROOKS & Co., LLC

CERTIFIED PUBLIC ACCOUNTANTS

389 Mulberry Street • Post Office Box One • Macon, GA 31202

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J. RANDOLPH NICHOLS  
WILLIAM H. EPPS, JR.  
RAYMOND A. PIPPIN, JR.  
W. E. BARFIELD, JR.  
HOWARD S. HOLLEMAN  
F. GAY McMICHAEL  
RICHARD A. WHITTEN, JR.  
ELIZABETH WARE HARDIN  
RON C. DOUTHIT  
MARJORIE HUCKABEE CARTER  
BRYAN A. ISGETT  
DAVID PASCHAL MUSE, JR.  
KATHY W. FLETCHER

JASON A. PEACOCK  
DANIEL W. MILLER  
WILLIAM R. ROUNTREE  
CHARLES B. HALL  
H. TERRELL McMICHAEL, JR.  
G. JUSTIN BANKSTON  
TERESA F. BEHRMAN  
CHRISTOPHER S. EDWARDS  
KEITH M. SMALLWOOD

*OF COUNSEL*  
SIDNEY E. MIDDLEBROOKS, PC  
RAY C. PEARSON  
CAROLINE E. GRIFFIN

February 14, 2018

Board of Commissioners  
Putnam County, Georgia  
Eatonton, Georgia

Attention: Mr. Paul Van Haute, County Manager

We are pleased to confirm our understanding of the services we are to provide Putnam County, Georgia (the County) for the fiscal years ending September 30, 2019, 2020 and 2021. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of Putnam County, Georgia as of and for the fiscal years ending September 30, 2019, 2020 and 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Putnam County, Georgia's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Putnam County, Georgia's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedules of Changes in Net Pension Liability
3. Schedules of Pension Contributions



We have also been engaged to report on supplementary information other than RSI that accompanies Putnam County, Georgia's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Combining and Individual Fund Financial Statements and Schedules
2. Schedule of Expenditures of Special Purpose Sales Tax Proceeds

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1. Introductory and Statistical Sections of the Comprehensive Annual Financial Report.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of Putnam County, Georgia and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the County's financial statements. Our report will be addressed to the board of commissioners of Putnam County, Georgia. We will make reference to Clenney Powell & Rentz, P.C.'s audit of the Putnam County Health Department in our report on your financial statements. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the County's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Governmental Auditing Standards* in considering the County's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the County is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory or contractual requirements.

### **Audit Procedures - General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the County or to acts by management or employees acting on behalf of the County. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures - Internal Controls**

Our audit will include obtaining an understanding of the County and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

### **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Putnam County, Georgia's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Other Services**

We will also assist in preparing the financial statements and related notes of Putnam County, Georgia in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the County complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Engagement Administration, Fees and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the County; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of McNair, McLemore, Middlebrooks & Co., LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the State of Georgia or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of McNair, McLemore, Middlebrooks & Co., LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of Georgia. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately November 15<sup>th</sup> of each year and to issue our reports no later than March 15<sup>th</sup> of each year. David P. Muse, Jr. is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies and telephone) except that we agree that our gross fee, including expenses, will not exceed \$50,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our most recent peer review report accompanies this letter.

We appreciate the opportunity to be of service to Putnam County, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

*McNair, McLeMore, Middlebrooks & Co., LLC*  
McNAIR, McLEMORE, MIDDLEBROOKS & CO., LLC

Confirmed on behalf of Putnam County:

\_\_\_\_\_  
Paul Van Haute, County Manager

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Stephen J. Hersey, Chairman

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Putnam County, Georgia**  
**Listing of County Maintained Funds**

**General Fund**

**Special Revenue Funds**

- County Jail Fund
- Law Library Fund
- Juvenile Services Fund
- Juvenile Prosecutor's Fund
- Drug Education Fund
- Drug Confiscation Fund
- Federal Forfeiture Fund
- Victim and Witness Assistance Fund
- Emergency 911 Fund
- Hotel/Motel Tax Fund
- Fire Suppression Fund

**Capital Projects Funds**

- Special Local Option Sales Tax Fund
- LMIG Fund

**Enterprise Funds**

- Solid Waste Fund
- Oconee Springs Park Fund

**Agency Funds**

- Tax Commissioner
- Sheriff
- Clerk of Superior Court
- State Court
- Juvenile Court
- Magistrate Court
- Probate Court

May 25, 2017

Joseph Nichols  
McNair McLemore Middlebrooks & Co., LLC  
389 Mulberry St  
Macon, GA 31201 7914

Dear Joseph Nichols:

It is my pleasure to notify you that on April 26, 2017, the National Peer Review Committee accepted the report on the most recent System peer review of your firm. The due date for your next review is March 30, 2020. This is the date by which all review documents should be completed and submitted to the administering entity. If your due date falls between January and April, you can arrange to have your review a few months earlier to avoid having a review during tax season.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Thank you for your cooperation and support of the profession's practice-monitoring programs.

Sincerely,



Michael Fawley  
Chair - National PRC  
nprc@aicpa.org 919-402-4503  
National Peer Review Committee

CC: Mark Wiseman, Charles Hall

Firm Number: 900010047012

Review Number: 485830





## Report on the Firm's System of Quality Control

To the Members of  
McNair, McLemore, Middlebrooks, & Co, LLC  
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of McNair, McLemore, Middlebrooks & Co., LLC (the "firm") applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended September 30, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

### **Firm's Responsibility**

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

### **Peer Reviewer's Responsibility**

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

### **Required Selections and Considerations**

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act, audits of employee benefit plans, and an audit of a FDICIA bank.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.



### Opinion

In our opinion, the system of quality control for the accounting and auditing practice of McNair, McLemore, Middlebrooks & Co., LLC, applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended September 30, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. McNair, McLemore, Middlebrooks & Co., LLC has received a peer review rating of *pass*.

*Brown, Edwards & Company, L.L.P.*

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia  
January 12, 2017



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Office of the County Clerk  
117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)  
[lbutterworth@putnamcountyga.us](mailto:lbutterworth@putnamcountyga.us) ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

## Approval of 2018 Alcohol Licenses

The following alcohol license applications (which are available for review in the County Clerk’s office) have been approved by the Sheriff, Fire Marshal, Building Inspector, and Tax Commissioner and are ready for BOC approval:

Individual Name	Business Name	Address	License Type
Travis Williamson	44 Draft House Growler Bar	1122 Lake Oconee Parkway	Permanent Caterer – Malt Beverages and/or Wine

**Backup material for agenda item:**

8. Appointment of Chairperson of the Board of Elections and Registration

NAME	ADDRESS	DISTRICT	BACKGROUND	APPLICATION DATE
Charles Patten	293 E River Bend Drive	3	Retired; Middle Georgia College; Southern Technical Institute; current member of BER	2/16/2018



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117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826  
[www.putnamcountyga.us](http://www.putnamcountyga.us)

## NOTICE

The Putnam County Board of Commissioners is seeking individuals interested in serving as the **chairperson** of the **Putnam County Board of Elections and Registration**. To be eligible for appointment the applicant should be a registered voter in Putnam County, have never been convicted of a felony, and possess excellent communication, leadership and management skills.

Interested persons should submit an **application** to the Putnam County Board of Commissioners, 117 Putnam Drive, Suite A, Eatonton, Georgia 31024. Applications will be accepted until the position is filled. The board application form can be found on the county website at [www.putnamcountyga.us](http://www.putnamcountyga.us) (in the "How Do I..." or "Forms & Documents" sections) or by calling 706-485-5826.

02/15/2018 & 02/22/2018

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024  
706-485-5826 ♦ 706-923-2345 fax  
www.putnamcountyga.us

## APPLICATION FOR BOARDS, COMMITTEES, & AUTHORITIES

Name: Charles Patten Home Phone: 706-485-5336  
Address: 293 E River Bend Dr Work Phone: \_\_\_\_\_  
Eatonton, GA 31024 Cell Phone: \_\_\_\_\_  
Occupation: Retired E-mail: oconeeview@aol.com

I would like to apply for appointment to the following Board, Committee, or Authority:  
Chairperson Board of Elections and Registration

Which district do you live in?  1  2  3  4

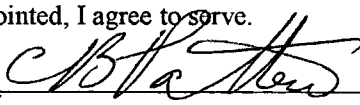
Briefly explain your educational background \_\_\_\_\_  
Attended Middle Georgia College, graduated from Southern Technical Institute - engineering.

Are you an owner or officer in any business or corporation?  Yes  No

If yes, please list the name and activity of the business or corporation: \_\_\_\_\_  
\_\_\_\_\_

Please explain any previous experience with State or Local Government: \_\_\_\_\_  
Current member of Putnam County Board of Elections and Registration

Briefly explain why you seek this appointment: \_\_\_\_\_  
To insure a secure and effectively managed voter registration and election system,  
assuring compliance with all State and Federal Election Laws.

If appointed, I agree to serve.  
  
Signature

FEB. 14, 2018  
Application Date

\*This application should be submitted to the Putnam County Board of Commissioners. Any additional information may be included on a separate page.

PUTNAM COUNTY BOARD OF  
COMMISSIONERS

117 Putnam Dr.  
Eatonton, GA 31024

BILLY WEBSTER  
116 N. LITTLE RIVER  
CT.  
EATONTON, GA  
31024

Feb 9, 2018

*ll*  
FEB 9 18 10:13A

Putnam County Board of Commissioners,

It is with regret that I must inform you of my decision to resign as the Chairman of the Putnam County Board of Elections and Registration effective at 12 noon on Feb 9, 2018.

I sincerely appreciate the trust you have placed in me for the past year to Chair one of the most effective Election offices in this state. It has been my privilege to serve alongside the other board members and BER staff who work tirelessly every day to ensure Putnam County has effective, efficient, and impartial elections and voter registration. I wish you and the BER continued success.

Sincerely,

*Billy Webster*

Billy Webster

Cy to: County Mgr, Clerk, HR

BER



**BOARD OF ELECTIONS AND REGISTRATION**

<u>MEMBER</u>		<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Billy Webster, Chairman 116 N. Little River Court Eatonton, GA 31024 478-968-5880 (home)	RESIGNED	07/01/17	06/30/21
Annie Parker 217 Milledgeville Road SW Eatonton, GA 31024 706-485-1235		07/01/17	06/30/21
Emory Walden 101 Cedar Cove Drive Buckhead, GA 30625 706-485-2825		07/01/15	06/30/19
Dorothy J. Adams 425 Harmony Road Eatonton, GA 31024		07/01/17	06/30/21
Charles B. Patten** 293 E. River Bend Drive Eatonton, GA 31024 706-485-5336		03/09/16	06/30/19

\* The board shall be composed of 5 members; 2 members appointed by the political party which received the highest number of votes; 2 members appointed by the political party which received the second highest number of votes; and 1 member appointed by the Board of Commissioners.

\*\*Filling the unexpired term of Kelvin Irvin (resigned to run for elective office)

4 year terms (staggered)  
Need to be sworn in by Probate Judge  
Clerk of Court submits certification  
Need to provide information to HR

Last Updated 2/23/2018

**Backup material for agenda item:**

9. Discussion and possible action regarding parking on Briarpatch Road



**A RESOLUTION OF THE  
PUTNAM COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, Putnam County finds that it is in the public interest to establish parking restrictions in certain areas of Putnam County; and

**WHEREAS**, Putnam County has determined that the public safety and welfare requires that the parking of vehicles on and along Briarpatch Road be controlled and regulated.

**NOW THEREFORE, BE IT RESOLVED** that the Putnam County Board of Commissioners prohibits vehicle parking on the first 1000’ of Briarpatch Road from SR 44.

IN WITNESS WHEREOF, this resolution has been duly adopted by the governing authority of Putnam County, Georgia on the 2<sup>nd</sup> day of March 2018.

\_\_\_\_\_  
Chairman Stephen Hersey

ATTEST:

\_\_\_\_\_  
Lynn Butterworth, County Clerk

# PARKING BY FISHTALES MARINA

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**Backup material for agenda item:**

10. Discussion and possible action on the proposed sale of water to Piedmont Water Company

Putnam County and Piedmont Water Company wish to enter into a Memorandum of Understanding based on the following points:

1. Putnam agrees to sell potable water obtained from the Sinclair Water Authority Plant to Piedmont for a wholesale price of \$0.80 per 1000 gallons;
2. The price shall not increase by more than two (2) percent, or the CPI index of inflation, whichever is less per annum during the initial term of the agreement;
3. Piedmont agrees to purchase a minimum volume of 100,000 gallons per day, on a monthly average;
4. Piedmont shall have the right to purchase up to 400,000 gallons per day, on a monthly average;
5. Piedmont shall be responsible for all costs of construction, and shall own, all infrastructure necessary for the connection between the County waterline and existing Piedmont distribution system;
6. The connection between Putnam and Piedmont shall be at the existing metered connection in the vicinity of the Rock Eagle Technology Park;
7. The separate agreement between Putnam and Piedmont for provision of water services to Rock Eagle Technology Park and Putnam County High School shall be amended so as to be included under this agreement;
8. Putnam shall invoice Piedmont on a monthly basis for the actual usage based on reading of a meter at the point of connection;
9. Putnam reserves the right to engage a third party for billing and meter reading;
10. Putnam and Piedmont agree to enter into a formal agreement to include the above points.

Proposed Sale of Water to Piedmont Water Company  
Projected Revenue to Putnam County

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Current Agreement with SWA

Net Revenue from Sales (0.1 mgd)	\$16,680
Savings from current usage (\$2.40/U vs. \$2.78/U)	\$89,369
Total Savings	<u>\$106,049</u>

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Proposed 60/40 agreement

Net Revenue from Sales (0.1 mgd)	\$16,680
Savings from current usage (\$2.18/U vs. \$2.37/U)	\$66,891
Total Savings	<u>\$83,571</u>

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NOTE: Sales above 0.1 mgd will provide incremental savings:

Example: Sales of 0.3 mgd, under current agreement are projected to Save \$224,000 per year.

**Backup material for agenda item:**

11. Approval of Revised Second Chance Drug and Alcohol Testing Policy for Putnam County Transit



**SECOND CHANCE  
DRUG AND ALCOHOL TESTING POLICY  
PUTNAM COUNTY TRANSIT  
Adopted as of March 2, 2018**

**A. PURPOSE**

- 1) The Putnam County Board of Commissioners provides public transit and paratransit services for the residents of Putnam County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Putnam County declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Putnam County and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Putnam County will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service,

security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

### **C. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

*Canceled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*DOT, The Department, DOT Agency:* These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears



on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

*Initial Drug Test: (Screening Drug Test)* The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

*Invalid Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Prohibited drug:* Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle.
- (5) Carrying a firearm for security purposes.

*Split Specimen Collection:* A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen:* A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

*Test Refusal:* The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fails to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fails to permit monitoring or observation of your provision of a specimen.
- (5) Fails to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fails or declines to take a second test as directed by the collector or the employer for drug testing.
- (7) Fails to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fails to cooperate with any part of the testing process.
- (9) Fails to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possesses or wears a prosthetic or other device used to tamper with the collection process.
- (11) Admits to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuses to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fails to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **D. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

#### **E. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy  
  
Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
  - b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any

substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Putnam County supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

## **F. PROHIBITED CONDUCT**

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
  - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
    - i. The employee's alcohol concentration measures less than 0.02; or
    - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Putnam County, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Putnam County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

### **G. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify Putnam County management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

### **H. TESTING REQUIREMENTS**

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Putnam County authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Putnam County. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

### **I. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have



been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Putnam County. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample

test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Putnam County will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Putnam County will seek reimbursement for the split sample test from the employee.

- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
  - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
    - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Putnam County that there was not an adequate medical explanation for the result;
    - ii. The MRO reports to Putnam County that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
    - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1));
    - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;



- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- vii. All follow-up-tests; or
- viii. All return-to-duty tests.

## **J. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Putnam County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the

testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

## **K. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
  - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
  - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
  - e. If a pre-employment test is canceled, Putnam County will require the applicant to take and pass another pre-employment drug test.
  - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49

CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide Putnam County with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Putnam County is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Putnam County proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **L. REASONABLE SUSPICION TESTING**

- 1) All Putnam County FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Putnam County's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) Putnam County shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a

drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.

- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to Putnam County.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Putnam County shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of Putnam County. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

#### **M. POST-ACCIDENT TESTING**

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
  - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee 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.

In the rare event that Putnam County is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Putnam County may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

## **N. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive

employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.

- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Putnam County authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Putnam County's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

## **O. RETURN-TO-DUTY TESTING**

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.



## **P. FOLLOW-UP TESTING**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

## **Q. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to list of USDOT qualified SAPs. A test refusal includes the following circumstances:
  - a) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.

- c) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- d) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- e) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- f) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- g) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- h) Fail to cooperate with any part of the testing process.
- i) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- j) Possess or wear a prosthetic or other device used to tamper with the collection process.
- k) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) For the first instance of a verified positive test from a sample submitted as the result of a random drug/alcohol test, disciplinary action against the employee shall include:
- a. Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to duty agreement.
  - b. Failure to execute, or remain compliant with the return-to-duty agreement shall result in termination from Putnam County employment.
    - i. Compliance with the return-to-duty agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  - d. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from Putnam County employment.



- 5) The first instance of a verified positive post-accident or reasonable suspicion drug and/or alcohol test shall result in termination.
- 6) The second instance of a verified positive drug or alcohol test result for any category of testing shall result in termination from Putnam County employment.
- 7) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NON-DOT alcohol test with a result of less than 0.02 BAC.
- 8) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
  - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement.
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Putnam County employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Putnam County and will be performed using non-DOT testing forms.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
  - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
  - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Putnam County.

- g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 9) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

## **R. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

## **S. PROPER APPLICATION OF THE POLICY**

Putnam County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

## **T. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the Putnam County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested

individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Putnam County or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Putnam County Board of Commissioners* on March 2, 2018.

\_\_\_\_\_  
Chairman Stephen Hersey

ATTEST: \_\_\_\_\_  
Lynn Butterworth, County Clerk

## Attachment A

Job Title	Job Duties	Testing Authority
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**Transit System Supervisor**-- Hires, supervises, evaluates, and schedules the work of PTS employees engaged in operating passenger vans or buses to transport county residents to various locations inside and outside of the county; disciplines and counsels' subordinates.

- o Logs incoming calls; communicates passenger information to drivers; dispatches drivers to calls; operates two-way radio to communicate with drivers on assigned routes or assignments.
- o Prepares bus routes.
- o Receipts fees from drivers.
- o Oversees the maintenance of department vehicles.
- o Prepares and administers the transportation budget.
- o Completes required reports.
- o Maintains department inventory.
- o Trains employees in vehicle operations, related clerical work, and customer service.
- o Reviews and approves time sheets.
- o Performs other related duties as assigned.

**Testing Authority: FTA/DOT**

**Transit System Driver**-- Drives a PTS van or mini-bus to transport clients to medical appointments and other locations.

- o Assists the disabled and elderly with packages such as groceries, etc.; helps patrons on and off the bus when needed.
- o Communicates with dispatcher for additional or added work load.
- o Records client pick-up and drop-off times; records vehicle mileage.
- o Completes pre-trip safety inspections of vehicles; performs minor vehicle maintenance; reports vehicle maintenance issues to supervisor.
- o Operates a lift van to load and unload clients.
- o Accepts money from patrons; maintains records of some.
- o Assists clients by scheduling transportation times.
- o Performs other related duties as assigned.

**Testing Authority: FTA/DOT**

**Mechanic**--- Assists in small and large engine repair work; repairs weed-eaters, lawnmowers, cars, trucks, and construction equipment.

- o Assists in servicing county vehicles and equipment; checks and changes fluids.
- o Checks and replaces belts, hoses, and brakes.
- o Assists in performing road service and repairs as needed.
- o Transports personnel to and from equipment as needed.
- o Repairs and replaces tires.
- o Performs other related duties as assigned.

**Testing Authority: FTA/DOT**

### Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

#### Putnam County Drug and Alcohol Program Manager

Name: Cynthia Miller

Title: Human Resources Director

Address: 117 Putnam Drive, Suite A, Eatonton, GA 30124

Telephone Number: 706-485-5826

#### Medical Review Officer

Name: Dr. Tom Le M.D.

Title: AAMRO

Address: 2315 Palmdale Blvd. Suite G, Palmdale, CA 93550

Telephone Number: 661-274-0127

#### Substance Abuse Professional

Name: Dawn Dreiger

Title: SRS-SAP Referral Services LLC

Address: 8831 Satyr Hill Rd. Baltimore, MD 21234

Telephone Number: 410-688-8110

#### HHS Certified Laboratory Primary Specimen

Name: National Toxicology Lab

Address: 1100 California Ave. Bakersfield, CA 93304

Telephone Number: 661-322-4250

#### HHS Certified Laboratory Split Specimen

Name: MEDTOX Lab

Address: 402 W. Country Rd. St. Paul, MN 55112

Telephone Number: 800-832-3244