



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 10/6/2020

Consent Agenda

Department: Planning & Development, Community Development Division

Presenter(s): Matthew Cable

Contact(s): Matthew Cable

Subject: Resolution Amending the Substance Abuse Policy for Mountain Mobility, Buncombe County's Community Transportation System

Brief Summary:

Buncombe County must adopt a Substance Abuse Policy for Mountain Mobility compliant with all applicable federal regulations governing and requiring anti-drug and alcohol misuse programs in the workplace, including 49 CFR Parts 40 and 655, as amended. The Substance Abuse Policy for Mountain Mobility was adopted November 21, 1995 and most recently amended on January 9, 2018.

The NCDOT Integrated Mobility Division (IMD) provided guidance on changes to the adopted Community Transportation System Substance Abuse Policies to ensure consistency with federal regulations.

Staff request the Board of Commissioners formally resolve to amend the Substance Abuse Policy for Mountain Mobility to remain compliant with federal regulations. Below are a list of amendments:

4.3 Alcohol

The use of beverages ~~or substances~~ containing alcohol (including ~~any~~ medication, mouthwash, food, candy), or any other substance) containing alcohol in a manner which violates the conduct listed in this policy is prohibited. ~~to the degree that alcohol is present in the body while performing safety-sensitive duties.~~ The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an indicated by a breath test under 49 CFR Part 40.

6.0 TESTING PROCEDURES

For those specimens that are not negative, a confirming Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS) test will be performed.

A reasonable suspicion ~~or~~ random, or follow-up alcohol test can only be conducted just before, during, or just after performing a safety-sensitive function.

6.6 Return-to-Duty Testing

Any safety-sensitive employees who previously refused an alcohol or drug test or who tested positive for a drug or alcohol test must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released to duty by a 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. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

6.8 Dilute Negative Testing Results

If the MRO reports that a safety-sensitive employee's negative drug test was dilute, the employee will not be required to take another test immediately. A negative dilute is a drug test which is negative for the five drug/drug metabolites but has creatinine and a specific gravity values that are lower than expected for human urine.

Recommended Motion & Requested Action:

The Board of Commissioners Adopt the Resolution Amending the Substance Abuse Policy for Mountain Mobility, to remain compliant with NCDOT requirements and federal regulations.

County Manager's Comments and Recommendation:

Adopt the resolution as recommended.