

State of North Carolina

Minutes

County of Madison

The Madison County Board of Commissioners met in regular session on Tuesday, December 9, 2025, at 7:00 p.m. at the Madison County Courthouse Temporary Facility located at 232 Carolina Lane, Marshall, North Carolina.

In attendance were Chairman Michael Garrison, Vice-Chairman Jeremy Hensley, Commissioner Matt Wechtel, Commissioner Bill Briggs, Commissioner Alan Wyatt, County Manager Rod Honeycutt, County Attorney Donny Laws, and Clerk Mandy Bradley.

The meeting was brought to order at 7:00 p.m. and the Pledge of Allegiance and moment of silence were observed.

Agenda Item 1: Agenda Approval

Discussion was had regarding the agenda.

Upon motion by Commissioner Garrison and second Commissioner Wyatt, the Board voted unanimously that we approve the agenda. (Attachment 1.1)

**Agenda Item 2: Donny Laws, County Attorney
Organization of the Board**

County Attorney Laws discussed the requirements and process for consideration of organization of the Board.

a. Selection of Chair

County Attorney Laws opened the floor for nominations for the Chairman of the Board of Commissioners for the upcoming year.

Commissioner Wechtel discussed, and nominated Commissioner Michael Garrison to be the Chair with County Attorney Laws calling for other nominations and none being received. Upon motion by Commissioner Wechtel and second by Vice-Chairman Hensley, the Board voted unanimously that nominations be closed.

County Attorney Laws called for those in favor of Michael Garrison as Chairman of the Board to signify by raising their right hand with Chairman Garrison, Vice-Chairman Hensley, Commissioner Wechtel, Commissioner Wyatt, and Commissioner Briggs signifying as such in a 5-0 vote.

b. Selection of Vice-Chair

County Attorney Laws opened the floor for nominations of Vice-Chairman for the upcoming year of the Madison County Board of Commissioners.

Commissioner Briggs nominated Jeremy Hensley for Vice-Chairman of the Madison County Commissioners and second to the nomination was received by Commissioner Wechtel, with the Board voting unanimously in favor.

Upon motion by Commissioner Wechtel and second by Commissioner Briggs, the Board voted unanimously that nominations be closed.

County Attorney Laws called for those in support of the nominee to signify their support by raising their right hand with Chairman Garrison, Vice-Chairman Hensley, Commissioner Wechtel, Commissioner Wyatt, and Commissioner Briggs signifying as such in a 5-0 vote.

c. Adoption of the 2026 Regular Meeting Schedule

County Attorney Laws discussed the proposed 2026 regular meeting schedule of the Board.

Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, with discussion being had, the Board voted unanimously to approve.

Discussion was had by the Board regarding the work of Commissioner Wechtel during his time serving as Board Chairman.

Agenda Item 3: Consent Agenda

- a. Tax Refunds and Releases (Attachment 3.1)
- b. Madison County Transportation Authority Drug and Alcohol Policy (Attachment 3.2)
- c. Elderberry Nursing Home Transportation Contract (Attachment 3.2)
- d. Inspection and Approval of Bonding of County Officials (Attachment 3.4)
- e. Approval of November 17, 2025 (Special) Meeting Minutes and November 17, 2025 (Regular) Meeting Minutes

Chairman Garrison welcomed those in attendance and read the items contained in the consent agenda into the record.

Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, the Board voted unanimously that the consent agenda be approved as provided with Chairman Garrison; Vice-Chairman Hensley; and Commissioners Wechtel, Briggs, and Wyatt voting in favor.

Agenda Item 4: Public Comment

Graeme Frelick spoke regarding the school system's budget.
Bryan Lindsey spoke regarding America 250 NC.
(Attachment 3.1)

Agenda Item 4: Tammy Cody, Health Director

Item not discussed at this time.

Agenda Item 5: Kary Ledford, Finance Officer

a. Budget Amendment #5

Ms. Ledford presented and discussed Budget Amendment #5.

Upon motion by Vice-Chairman Hensley and second by Commissioner Wechtel, the board voted unanimously to approve the budget amendment. (Attachment 5.1)

b. Financial Report

Ms. Ledford presented and discussed the November financial report and answered questions from the Board.

Agenda Item 6: Rod Honeycutt, County Manager

a. County Manager's Update

County Manager Rod Honeycutt provided the County Manager's update and answered questions from members of the Board with discussion being had regarding the Hot Springs Library construction project and information being provided by Library Director Kim Bellofatto. Additional information discussed included FEMA project funding, timelines, and project statuses for the courthouse and Sprinkle Shelton buildings in Marshall, Barnard Park, and the temporary courthouse facility; the Highway 213 water project for the Towns of Marshall and Mars Hill; the covered arena project at the County's fairgrounds facility; and animal shelter facility enhancements.

Agenda Item 4: Tammy Cody, Health Director (cont.)

Ms. Cody provided the annual child fatality prevention team report and offered to answer questions from members of the Board with discussion being had regarding 2025 incidents and reviews in consideration of those incidents including outcome enhancing strategies and work of the team.

Agenda Item 6: Rod Honeycutt, County Manager (cont.)

a. County Manager's Update (cont.)

County Manager Honeycutt discussed the work of County employees overseeing County projects.

b. County Board Appointments

Discussion was had regarding the Economic Development Advisory Board with counsel being provided by County Attorney Laws and the following actions being taken on behalf of the Board:

- Commissioner Wechtel made a motion that we appoint Steve Allman from Advanced Biogas to fill the unfinished term of Mr. Haynie. Discussion was had regarding term length of the seat and Commissioner Wechtel requested to amend his motion to move for Steve Allman to take on a full term on the Economic Development Advisory Board with second by Vice-Chairman Hensley and the Board voting unanimously in favor.
- Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, the Board voted unanimously to appoint Zane Adams from Bucchi.

Discussion was had regarding the Parks and Recreation Advisory Board with the following actions being taken on behalf of the Board:

- Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, the Board voted unanimously to reappoint Mitch Hampton.
- Discussion was had regarding the seat held by Eric Allen. Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, the Board voted unanimously that Mr. Allen be reappointed.
- Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, the Board voted unanimously to reappoint Jonathan Wallin.
- Discussion was had regarding the seat held by Tiffani Ferguson. Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, with clarification of one (1) year appointment term being provided by Chairman Garrison, and additional discussion being had, the Board voted unanimously to appoint her for her position as well.

- Upon motion by Commissioner Wechtel and second by Vice-Chairman Hensley, the Board voted unanimously to table the final position until a suitable applicant makes themselves known.

Discussion was had regarding the Planning Board with the following actions being taken on behalf of the Board:

- Upon motion by Commissioner Wechtel and second by Vice-Chairman Hensley, the Board voted unanimously to appoint Dr. Lawrence Smith in that position.
- Upon motion by Chairman Garrison and second by Commissioner Wyatt, the Board voted unanimously for Daniel Rice, that he be reappointed for a three (3) year term.
- Upon motion by Commissioner Wyatt and second by Commissioner Wechtel, the Board voted unanimously that we keep Clayton Honeycutt.

Discussion was had regarding the Watershed Review Board with the following actions being taken on behalf of the Board:

- Upon motion by Commissioner Wechtel and second by Commissioner Briggs, the Board voted unanimously to reappoint Clayton Willis.
- Upon motion by Chairman Garrison and second by Commissioner Wyatt, the Board voted unanimously to table the next position.

Discussion was had regarding Boards in consideration of Board of Commissioners representation with the following actions being taken on behalf of the Board:

- Upon motion by Vice-Chairman Hensley and second by Commissioner Wechtel, the Board voted unanimously to reappoint Mr. Briggs to the Juvenile Crime Prevention Council.
- Upon motion by Chairman Garrison and second by Vice-Chairman Hensley, the Board voted unanimously that the Zoning Director continue to be on the Land of Sky Board of Delegates.
- Discussion was had regarding the Land of Sky Metropolitan Planning Organization. Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, the Board voted unanimously to reappoint those with Commissioner Wechtel and Commissioner Wyatt previously serving as Board representative and alternate, respectively.
- Discussion was had regarding the Land of Sky Rural Planning Organization. Upon motion by Vice-Chairman Hensley and second by Chairman Garrison, the Board voted unanimously to reappoint Wechtel and Wyatt on that.
- Discussion was had regarding the Public Safety Board. Upon motion by Commissioner Wechtel and second by Commissioner Wyatt, the Board voted unanimously to appoint Chairman Garrison.
- Discussion was had regarding the SMART Start Board with Chairman Garrison noting that he would continue to serve. Upon motion by Vice-Chairman Hensley and second by Commissioner Wechtel, the Board voted unanimously to reappoint.
- Discussion was had regarding the Vaya County Commissioner Advisory Board positions with County Manager Honeycutt recommending to table both of those positions. Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, the Board voted unanimously to table those.

Discussion was had regarding vacancies that were previously tabled by the Board with the following actions being taken on behalf of the Board:

- Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, the Board voted unanimously to appoint Adam Bennett to the Board of Health veterinarian position.
- Discussion was had by Commissioner Wechtel regarding the Transportation Advisory Board vacancies including the position that expires in 2026, noting that Dennis McMahan would like to come back. Upon motion by Commissioner Wechtel and second by Commissioner Briggs, the Board voted unanimously to recommend that we put Dennis in that position.

Additional discussion was had.

c. Consideration and Process of Property Conveyance to Spring Creek Volunteer Fire Department

County Manager Honeycutt discussed the request and proposal for consideration of conveyance of County owned property located adjacent to the Spring Creek Volunteer Fire Department and requested that the Board authorize the County Clerk to run a ten (10) day notice of public notice to adopt the resolution for conveyance.

Upon motion by Commissioner Wyatt and second by Commissioner Wechtel, the Board voted unanimously to approve.

Discussion was had regarding the work of County Manager Honeycutt.

d. Attorney-Client Privilege S.L. 1997-102, HB 603 Authorization

Upon motion by Commissioner Wyatt and second by Commissioner Wechtel, the Board voted unanimously to enter into closed session for attorney client privilege pursuant to N.C.G.S. 143-318.11 (a)(3) at 8:00 p.m.

Upon motion by Vice-Chairman Hensley and second by Commissioner Wyatt, the Board voted unanimously to come out of closed session at 8:36 p.m.

Agenda Item 7: Adjournment

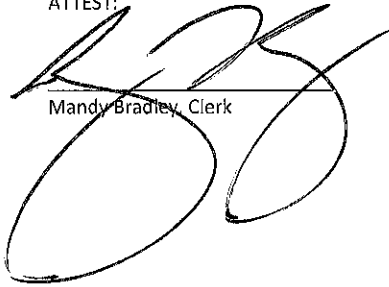
Upon motion by Vice-Chairman Hensley and second by Commissioner Briggs, the Board voted unanimously to adjourn at 8:37 p.m.

This the 9th day of December 2025.


Michael Garrison, Chairman
Board of Commissioners

MADISON COUNTY

ATTEST:

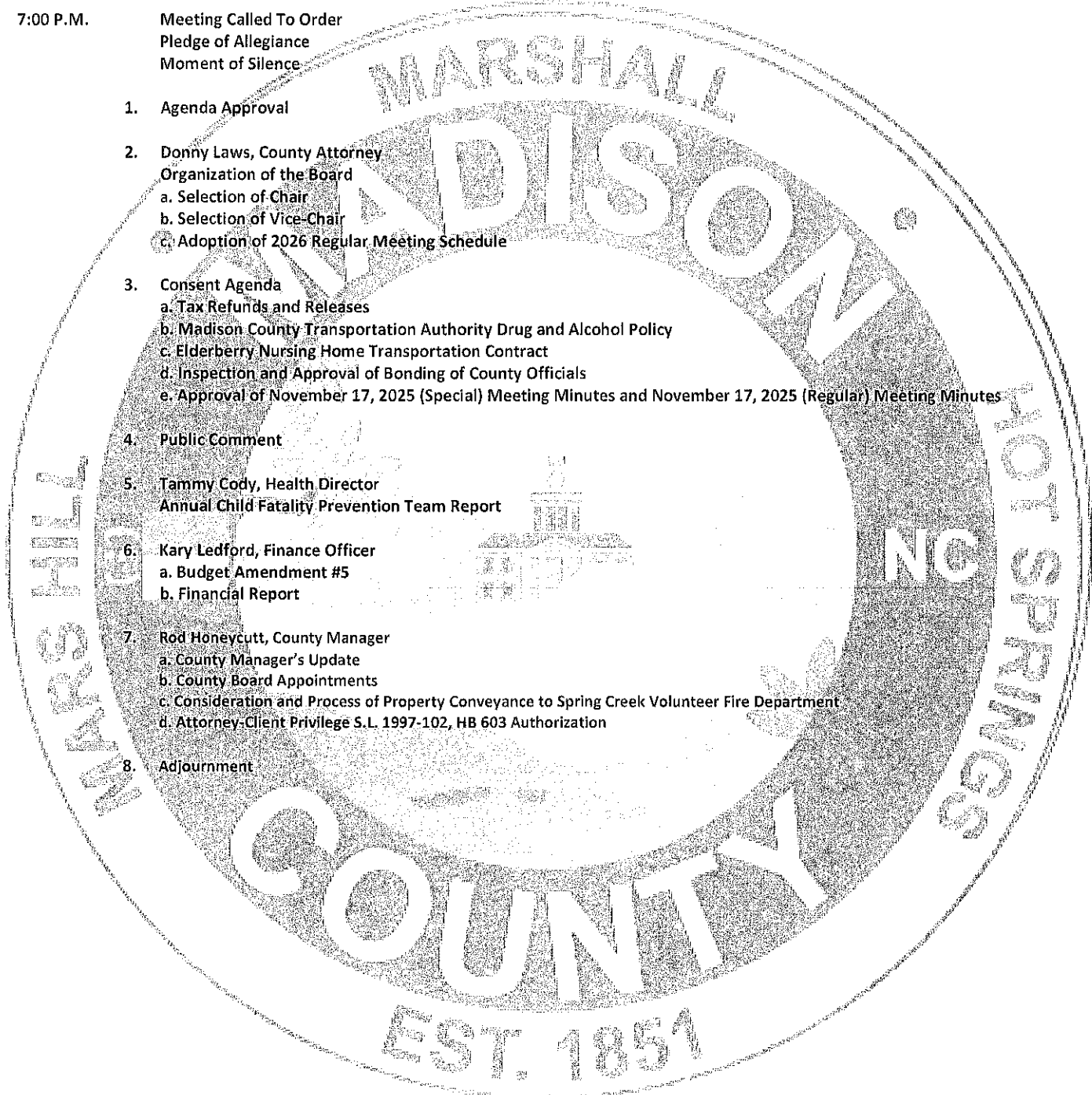

Mandy Bradley, Clerk

Madison County Board of Commissioners
Agenda
December 9, 2025

7:00 P.M.

Meeting Called To Order
Pledge of Allegiance
Moment of Silence

1. Agenda Approval
2. Donny Laws, County Attorney
Organization of the Board
 - a. Selection of Chair
 - b. Selection of Vice-Chair
 - c. Adoption of 2026 Regular Meeting Schedule
3. Consent Agenda
 - a. Tax Refunds and Releases
 - b. Madison County Transportation Authority Drug and Alcohol Policy
 - c. Elderberry Nursing Home Transportation Contract
 - d. Inspection and Approval of Bonding of County Officials
 - e. Approval of November 17, 2025 (Special) Meeting Minutes and November 17, 2025 (Regular) Meeting Minutes
4. Public Comment
5. Tammy Cody, Health Director
Annual Child Fatality Prevention Team Report
6. Kary Ledford, Finance Officer
 - a. Budget Amendment #5
 - b. Financial Report
7. Rod Honeycutt, County Manager
 - a. County Manager's Update
 - b. County Board Appointments
 - c. Consideration and Process of Property Conveyance to Spring Creek Volunteer Fire Department
 - d. Attorney-Client Privilege S.L. 1997-102, HB 603 Authorization
8. Adjournment



**RESOLUTION OF THE MADISON COUNTY BOARD OF COMMISSIONERS
ESTABLISHING THE 2026 REGULAR MEETING SCHEDULE**

WHEREAS, N.C.G.S. 153A-40 provides for a resolution establishing regular meeting dates of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Commissioners hereby establishes the 2026 regular meeting schedule, which is incorporated herein by reference, and that Board meetings will be held on the second Tuesday of each month at 7:00 p.m. except as noted below; and that the meetings will be held in the Madison County Courthouse Temporary Facility located at 232 Carolina Lane, Marshall, North Carolina; and the Board directs the Clerk to the Board of County Commissioners to provide such notice of the Meeting Schedule as set forth hereinabove. All regular meetings of the Board after calendar year 2026 will be held on the second Tuesday of each month at 7:00 p.m. in the Madison County Courthouse Temporary Facility located at 232 Carolina Lane, Marshall, North Carolina until subsequently modified by board resolution. Special meetings will be scheduled as needed.

REGULAR MEETING SCHEDULE


JANUARY 13, 2026 at 7:00 p.m.
FEBRUARY 10, 2026 at 7:00 p.m.
MARCH 10, 2026 at 7:00 p.m.
APRIL 14, 2026 at 7:00 p.m.
MAY 12, 2026 at 7:00 p.m.
JUNE 9, 2026 at 7:00 p.m.
JULY 16, 2026 at 7:00 p.m.
AUGUST 11, 2026 at 7:00 p.m.
SEPTEMBER 8, 2026 at 7:00 p.m.
OCTOBER 13, 2026 at 7:00 p.m.
NOVEMBER 10, 2026 at 7:00 p.m.
DECEMBER 8, 2026 at 7:00 p.m.

Adopted this the 9th day of December 2025.



Chairman
Madison County Board of Commissioners

ATTEST:


Clerk
Madison County Board of Commissioners

Date run: 12/3/2025 1:47:49 PM
 Data as of: 12/2/2025 7:07:22 PM

TR-304 Bill Release Report

NCPTS V4

Report Parameters:

Release Date Start: 11/1/2025 Release Date End: 11/30/2025
 Tax District: ALL
 Default Sort-By: Bill #, Taxpayer Name, Release Date, Billing Date, Operator ID, Release Amount
 Grouping: No Grouping

Bill #	Taxpayer Name	Bill Date	Release Reason	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after
000000382-2025-2025-0000-00-REG	BETHEL CHRISTIAN CHURCH	8/22/2025	Landfill error	JESSICA WEST	11/7/2025	180.00	180.00	0.00
0000001207-2025-2025-0000-00-REG	FORE, LESA D.	8/22/2025	Landfill error	JESSICA WEST	11/12/2025	918.46	180.00	735.46
0000002807-2025-2025-0000-00-REG	NORTH FORK OF THE IVY, LLC A	8/22/2025	Landfill error	JESSICA WEST	11/7/2025	1,506.27	720.00	786.27
0000002860-2025-2025-0000-00-REG	MADISON HYDRO PARTNERS	8/22/2025	Adjustment	JESSICA WEST	11/19/2025	1,143.60	357.67	785.93
0000002927-2025-2025-0000-00-REG	APPALACHIAN STATE UNIVERSITY	8/22/2025	Exempt Property	APRIL	11/4/2025	3,116.45	3,116.45	0.00
0000002929-2025-2025-0000-00-REG	MCTAGGART, GWEN MAHY	8/22/2025	Landuse change	APRIL	11/13/2025	6,528.86	1,043.75	4,485.11
0000002930-2025-2025-0000-00-REG	MCTAGGART, GWEN MAHY	8/22/2025	Landuse change	APRIL	11/13/2025	615.48	471.04	44.44
0000003946-2025-2025-0000-00-REG	CHANDLER, DENITA	8/22/2025	Landfill error	JESSICA WEST	11/7/2025	3,950.68	2,520.00	1,430.68
0000004029-2018-2018-0000-00-REG	LEDFORD, BILLIE RENE	8/15/2018	Duplication	APRIL	11/10/2025	99.48	99.48	0.00
0000004029-2019-2019-0000-00-REG	LEDFORD, BILLIE RENE	8/28/2019	Duplication	APRIL	11/10/2025	102.95	102.95	0.00
0000004029-2020-2020-0000-00-REG	LEDFORD, BILLIE RENE	9/21/2020	Duplication	APRIL	11/10/2025	318.79	318.79	0.00
0000004029-2021-2021-0000-00-REG	LEDFORD, BILLIE RENE	9/15/2021	Duplication	APRIL	11/10/2025	318.79	318.79	0.00
0000004029-2022-2022-0000-00-REG	LEDFORD, BILLIE RENE	8/21/2022	Duplication	APRIL	11/10/2025	318.79	318.79	0.00
0000004029-2023-2023-0000-00-REG	LEDFORD, BILLIE RENE	9/28/2023	Duplication	APRIL	11/10/2025	457.59	457.59	0.00
0000004029-2024-2024-0000-00-REG	LEDFORD, BILLIE RENE	11/17/2024	Adjustment	APRIL	11/10/2025	337.11	337.11	0.00
0006005531-2025-2025-0000-00-REG	NORTHAM, HAROLD J.	8/22/2025	Landfill error	JESSICA WEST	11/12/2025	596.44	180.00	416.44
0000008946-2025-2025-0000-00-REG	GREEN, MARQ	8/22/2025	Over Assessment	JESSICA WEST	11/10/2025	203.23	176.41	26.82
0000010438-2025-2025-0000-00-REG	FISHER, MICHAEL JAMES	8/22/2025	Landfill error	JESSICA WEST	11/7/2025	255.24	180.00	75.24
0000012955-2025-2025-0000-00-REG	METCALF, RANDALL D.	8/22/2025	Landfill error	JESSICA WEST	11/7/2025	398.41	180.00	218.41
0000012989-2025-2025-0000-00-REG	CAPITOLA MILL REDEVELOPMENT, LLC	8/22/2025	Landfill error	JESSICA WEST	11/12/2025	12,248.48	3,980.00	8,268.48
0000014551-2025-2025-0000-00-REG	BALL, ASHLEY	8/22/2025	Not in County	JESSICA WEST	11/4/2025	191.77	191.77	0.00
0000017794-2025-2025-0000-00-REG	HOPKINS, TERRY L	8/22/2025	Bidg correction	JESSICA WEST	11/7/2025	1,908.61	145.12	1,763.49
0000017817-2025-2025-0000-00-REG	HOPE INTERNATIONAL, A	8/22/2025	Exempt Property	JESSICA WEST	11/3/2025	13,265.40	4,190.81	9,066.59
0000567683-2025-2025-0000-00-REG	HOT SPRINGS PROPERTIES, LLC, A NC	8/22/2025	Adjustment	JESSICA WEST	11/19/2025	14,332.74	3,530.72	10,802.02

0000568629-2025-2025-0000-00-REG	CARVER, PAUL C.	8/22/2025 Not in County	JESSICA WEST	11/4/2025	99.00	24.75	74.25
0000571292-2025-2025-0000-00-REG	NORTHAM, HAROLD J	8/22/2025 Not in County	JESSICA WEST	11/6/2025	169.88	150.08	19.80
0000571641-2025-2025-0000-00-REG	WARD, JOE C.	8/22/2025 Over Assessment	JESSICA WEST	11/3/2025	187.60	162.85	24.75
0000572674-2025-2025-0000-00-REG	CARVER, PAUL C.	8/22/2025 Over Assessment	JESSICA WEST	11/4/2025	169.88	130.28	39.60
0000574605-2025-2025-0000-00-REG	STILLS, DORIS COOK	8/22/2025 Landfill error	JESSICA WEST	11/12/2025	624.92	180.00	444.92
0000576091-2025-2025-0000-00-REG	WEBER, ERIC	8/22/2025 Landfill error	JESSICA WEST	11/6/2025	1,066.18	180.00	906.18
0000576520-2025-2025-0000-00-REG	MATLACK, STEPHEN B.	8/22/2025 Landfill error	JESSICA WEST	11/7/2025	1,116.61	180.00	936.61
0000578227-2025-2025-0000-00-REG	RICE, CARL	8/22/2025 Landfill error	JESSICA WEST	11/7/2025	672.93	180.00	492.93
0000578583-2025-2025-0000-00-REG	DISH NETWORK, LLC ATTN: TAX	8/22/2025 Duplication	APRIL	11/10/2025	1.01	1.01	0.00
0000579060-2025-2025-0000-00-REG	WILD CARD LOGISTICS, LLC, A SC	8/22/2025 Adjustment	JESSICA WEST	11/19/2025	1,561.19	1,020.15	541.04
0000579171-2025-2025-0000-00-REG	BALL, BILLY J.	8/22/2025 Landfill error	JESSICA WEST	11/12/2025	361.80	180.00	181.80
Subtotal						25,654.36	
Total						25,654.36	



Madison County Commissioners Meeting

Public Comment

December 9, 2025

7:00pm

Madison County Courthouse Temporary Facility

3 Minute Time Limit

----- Public Comment Sign-In Sheet -----

	Name	Signature
1.	Kraeme Felick	
2.	Bryan + Lindsey	
3.	BUNCEY Friends	
4.		
5.	America 250 NC - Burke City	
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20.		

Madison County Drug and Alcohol-Free Workplace Policy Including Transportation Department – DOT/FTA Appendix

Main Policy – Madison County Drug and Alcohol-Free Workplace Policy

This section preserves the full and original numbering, lettering, and formatting of the Madison County Drug and Alcohol Policy.

Madison County Administration

PO Box 579
Marshall, NC 28753
(828) 649-2854

Alcohol and Drug Free Workplace Policy

A. Purpose

- 1) Madison County Government is committed to providing an alcohol and drug free workplace for its employees and those who conduct business with the County. These problems are complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all County employees, the public at large, and result in damage to County property. Therefore, it is the policy of Madison County that the unlawful manufacture, distribution, possession, or use of a controlled substance in the County's workplace is prohibited. **Any employees violating this policy will be subject to discipline up to and including termination.**
- 2) The purpose of this policy is to ensure compliance with federal regulations as outlined under the Drug-Free Workplace Act, by the US Department of Transportation, and by the Occupational Safety and Health Administration (OSHA), as well as compliance with all North Carolina regulations, including North Carolina General Statute 95-232; to identify the conditions by which personnel are subject to drug and alcohol testing; to outline testing procedures; and to enact policy to deter substance and alcohol abuse in the County workplace.
- 3) Employees with substance abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program (EAP). However, employees who fail drug and/or alcohol tests may be disciplined up to and including termination. Participation in a counseling, treatment, rehabilitation program for drug and/or alcohol use/abuse will not be grounds for discharge, provided the employee voluntarily enters such a program prior to being identified as a drug and/or alcohol user/abuser by means such as tests and before the

employee becomes suspected under circumstances satisfactory to the County of being a drug/alcohol user/abuser. See the EAP Policy for more information on this Program.

- 4) Department of Social Services employees are subject to this Policy only at the approval of the Social Services Board. Health Department employees are subject

B. Definitions

CDL Holder - Any employee who possesses a Commercial Driver License (COL) from the State of North Carolina Division of Motor Vehicles, and who is required to operate a commercial motor vehicle for Madison County Government.

Commercial Motor Vehicle - a vehicle which is:

1. In excess of 26,000 pounds GVWR.
2. Designed to carry 16 or more passengers; or
3. Used in the transportation of hazardous materials that are required to be placarded.

Health and Safety Related Positions

Positions which include duties that directly impact public or employee health and safety, or the protection of life, property, and the environment.

- a. Positions with any job or work related to the operation of a commercial motor vehicle that are performed by an employee while working for Madison County Government, including driving, waiting to drive, inspecting, or repairing.

Health and Safety Related positions are listed by job title below:

- a) Mechanic/Roll off Truck Driver Recycle Truck Driver
- b) Landfill Driver Landfill Assistant
- c) Transfer Station Assistant Recycling Assistant Center Attendant
- d) Solid Waste Director Landfill Supervisor
- e) Lab Supervisor Practical Nurse Public Health Nurse
- f) Public Health Nurse Supervisor
- g) Physician Extender Dentist
- h) Dental Assistant Supervisor Dental Assistant
- i) Dental Hygienist

- j) Environmental Health Supervisor Environmental Health Specialist Animal Control Officer
- k) Social Worker Trainee Social Worker I Social Worker II Social Worker III Social W I A&T
- l) Social Work Supervisor II Social Work Supervisor III
- m) Maintenance Worker I HVAC Support Technician
- n) Director of Facilities Management
- o) Shelter Worker I Shelter Worker II Shelter Specialist Animal Shelter Director
- p) Fire Inspector
- q) Emergency Management Director/Fire Marshal
- r) 911 Telecommunicator
- s) 911 Director
- t) Transportation Van Driver Nutrition Van Driver
- u) GIS Coordinator Mapper Appraiser
- v) Building Inspector
- w) Code Enforcement Officer Inspections and Zoning Director
- x) Soil Conservationist
- y) Soil Conservation Director

Negative -A test result indicating no evidence of drug(s) in the urine sample at or above the designated cutoff levels and for alcohol, an Evidential Breath Test (EBT) result below the designated level.

Positive -A test result indicating the presence of a drug(s) in the urine sample. These drug(s) are found to be in concentrations at or above the designated cutoff levels consistent with the National Institute of Drug Abuse (NIDA) regulations and in accordance with the testing laboratory process and County policy.

Random Test -A drug and alcohol test performed on County employees who are in health and safety related positions or in safety sensitive positions. Selection is by a scientifically valid, random number generation method. Random generation of employee names to be tested is performed by the independent medical provider.

Reasonable Cause/Suspicion - An expressible belief based on specific objective facts, and rational inferences drawn from those facts, that an employee has consumed or is under the influence of alcohol or drugs while in the course of their work.

Testing Facility - The outside agency contracted to collect, test, and review drug and alcohol samples.

C. Policy

1. The following actions are prohibited on County premises and in County workplaces and while conducting any County business:

- a. The unlawful manufacture, solicitation, distribution, dispensation, sale, possession, or use of controlled substances
- b. The unlawful manufacture, possession, sale, distribution, or delivery of drug paraphernalia.
- c. Use of alcoholic beverages.
- d. Misuse of legally prescribed drugs and the use of illegally obtained prescription drugs.

Any violation of A through D above shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including termination.

Impaired behavior and/or diminished performance on the job resulting from the use of alcohol or any controlled substance shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including termination.

The County will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials.

All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department head.

Disciplinary action up to and including termination shall be taken when an employee:

Refuses to sign a consent form and participate in a required drug or alcohol test after being advised of the reasons for the request.

Intentionally tampers, or attempts to tamper, with a drug or alcohol sample or testing process.

Produces a confirmed positive test result.

Substances that may be tested for under this policy include:

Marijuana/cannabinoids (THC)

Cocaine metabolics

Opiates

Phencyclidine (PCP)
Amphetamines/methamphetamines
Alcohol
Barbiturates (e.g., amobarbital, butobarbital, phenobarbital, secobarbital)
Methaqualone (e.g., quaalude)

An employee who receives a positive test result may request that the same or split specimen be tested by another certified laboratory with the cost of such testing to be at the employee's expense.

When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance, or is misusing prescription drugs, the employee may be required to submit to an immediate drug and/or alcohol test.

D. Drug and Alcohol Tests

The County may require any employee to submit to a drug or alcohol test for the following reasons:

- A. Pre-Employment Drug Screening - All candidates who have been offered conditional employment are required to undergo drug/alcohol testing within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays) of receiving and accepting an offer of employment contingent upon a negative drug/alcohol test result. Candidates who have been offered conditional employment who fail to undergo such testing with seventy-two (72) hours will not be considered for employment.
 - a. The Human Resources Department will make arrangements for finalists to be sent to a designated testing facility for testing.
 - b. Finalists will submit a Madison County approved, signed testing consent form to the qualified, approved testing facility, assenting to the testing procedure.
 - c. Finalist testing will be performed on urine specimens using a secure chain of custody procedure to reduce the likelihood of possible errors in the testing procedures. Gas Chromatograph/Mass Spectrometry (GC/MS) or other appropriate, accepted medical testing procedures will be used to confirm all positive test results.
 - d. Upon completion of the tests, results will be sent to the employee/finalist, if requested, and the appropriate staff member in the Human Resources Department.
 - e. Completion of offers of employment shall not occur until negative test results have been verified by the Human Resources Department.
 - f. Effect of a Positive Result: A finalist with a confirmed positive test will not be considered for employment.

- g. The Human Resources Director or designee will notify the department head or designee of the test result.
 - h. Positive test results will be held in strict confidence with only the department head or designee, and Human Resources Director having access with no release of results.
 - i. Employment decisions based on drug test results are final.
- B. Reasonable Cause/Suspicion - Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
- a. Observable occurrences, such as direct observation of alcohol and/or drug use and/or physical symptoms of being under the influence of alcohol and/or drugs;
 - b. A report of alcohol and/or drug use by an employee while in the course of their work, provided by a reliable and credible source;
 - c. A pattern of unexplained, preventable accidents and/or information based on specific objective facts that an employee has caused or contributed to an accident while in the course of employee's work or is conducting county business while under the influence of alcohol and/or drugs;
 - d. Evidence that an employee is involved in the unauthorized manufacture, solicitation, distribution, dispensation, possession, sale, or use of alcohol and/or drugs while working or while on the County's premises or in possession of or operating a county vehicle, machinery, or equipment;
 - e. Combative, abusive, violent, or disruptive behavior (verbal or physical);
 - e. Erratic behavior/mood swings;
 - f. Relevant body or breath odors;
 - g. The focus of investigation, arrest, or conviction for drug related offense;
 - h. Evidence of substance abuse or drug test tampering;
 - i. A pattern of excessive absenteeism, tardiness, or deterioration in work performance in combination with an observable occurrence as described above.

E. Procedures

The following procedures apply when a supervisor has reasonable cause to believe an employee is in violation of the Alcohol and Drug Policy:

1. The supervisor shall review the circumstances and actions which are the basis for the reasonable cause/suspicion with the department head and HR Director, or designee.
2. The department head should complete the Reasonable Cause/Suspicion Testing Form and turn in to the HR Director.
3. The employee may be suspended for investigatory purposes.

4. In cases which involve possible manufacture, solicitation, distribution, dispensing, selling, or possession of controlled substances in the workplace, the department head or designee shall contact the HR director, who shall then contact the local law enforcement agency and/or State Bureau of Investigation for assistance.
5. The supervisor or department head shall document the facts in writing as fully as possible and instruct witnesses to reduce their observations to writing to the greatest extent possible. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance, and a general discussion of the circumstances existing at the time. Once reasonable cause has been established, the employee shall be advised of the following:

In addition to the above, the following is applicable to all County employees:

1. If, with the approval of the HR director, a test is warranted, the department head and the HR director shall notify the employee that as a condition of continued employment, management has the right to require him/her to submit to a drug and/or alcohol test. The employee shall be advised of:
 - a. The basis for the reasonable cause and the requirement that the employee sign a test consent form;
 - b. The methods of testing which may be used;
 - c. The substances which may be identified;
 - d. The importance of cooperating with the collection site personnel;
 - e. The confidentiality of individual test results;
 - f. The consequences of refusing to sign the consent form, failing to submit to immediate testing, failing to report for a specimen collection, or the receipt of a positive test result.
2. Immediately after reviewing 1A through 1F above with the employee, the employee shall be advised of the location of the testing facility where the test will be administered.
3. County personnel, the department head or designee, shall transport the employee to the test site immediately.
4. If the employee refuses to undergo testing immediately as scheduled or refuses to sign the consent form, the department head and HR director shall take appropriate disciplinary action up to and including termination.
5. If a negative test result occurs, the employee shall be notified immediately by the department head or HR director. If the employee has been placed on investigatory suspension, he/she shall be reinstated. All records surrounding the incident shall be removed from the employee's personnel file. If the test is positive, the HR director, within 5 days of receiving the positive test

confirmation, shall inform the employee, in writing, of the results and the proposed action to be taken.

6. Disciplinary actions will result from a confirmed positive test, refusal to participate in a test, or of altering or attempting to alter test results.
7. Drug testing will be carried out by a laboratory certified by the US DHHS and testing will be conducted via urine specimens.
8. Alcohol testing will meet industry standards or applicable US DHHS guidelines and will be conducted via saliva, blood, or breath specimen.
9. All specimens will be collected under chain of custody procedures which include photo identification of the donor and protocols to assure specimen integrity.
10. A positive drug (controlled substance) test will undergo confirmatory testing.
11. A positive alcohol test will undergo confirmatory testing by either blood or breath.
12. Verification of information regarding prescription medications may be required at the testing facility as part of confirmatory testing to rule out potential misuse of prescription medications.
13. All test results will be maintained in a secure and confidential manner in the County Human Resources Department and will not be released without written consent of the employee, unless as a result of action initiated by or on behalf of the employee, they are required to be produced.

F. Random Testing - All health and safety related employees will be subjected to random, unannounced testing.

- a. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of health and safety employees
- b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- c. The number of employees randomly selected for drug/alcohol testing during the calendar year shall not be less than the percentage rates established by the Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by the Federal Motor Carrier Safety Administration (FMCSA) equals fifty (50) percent of the number of covered employees in the pool and the random testing rate for alcohol established by the FMCSA equals ten (10) percent of the number of covered employees in the pool. This pool shall consist of health and safety employees in positions required to hold a CDL as outlined in the job description, including temporary employees, who perform similar job functions.
- d. Employees that are identified as health and safety sensitive based on job functions but are not required to hold a CDL, shall be included in the same pool and random drug tests shall be completed at a rate of twenty-five (25) percent per calendar year for eligible employees.
- e. 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.

- f. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty.
- g. Employees are required to proceed immediately to the testing facility upon notification of their random selection, but not longer than two (2) hours after notification. Failure to report to the testing site after two (2) hours of notification will be considered a failed test.

G. Procedures for Random Testing

- 1. The HR director and the department head will be notified of the employee's selection for Random Testing.
- 2. The department head will notify the employee privately, in person and transport the employee to the test site immediately upon notification. Texts, email, and voice messages may not be used as forms of notification.
- 3. Any refusal to test will be considered the same as a positive test result and will be subject to disciplinary action, up to and including termination.
- 4. For Breath Alcohol Tests, employees will receive a copy of the results immediately following the test. The Human Resources Department will be notified of the test results. Under the DOT regulations, employees whose Breath Alcohol Test results in a register at 0.04 or greater are considered a positive test, meaning the employee has failed the test, and the employee will be terminated. Breath Alcohol Test results that indicate a reading of 0.02-0.039 will result in the employee being placed on administrative leave without pay for at least 24 hours or two full working days. Disciplinary action is not mandated for Breath Alcohol Test result levels below 0.02.
- 5. All test results will be sent to the Human Resources Department by the testing facility. Human Resources will notify the department head of the status of the drug or alcohol screening.

H. Post-Accident Testing

Post-accident testing must be conducted on any driver or any safety-sensitive employee, including those not in the vehicle (e.g., Maintenance personnel), whose performance could have contributed to an accident and/or a moving vehicle accident which is estimated to have caused at least \$500.00 in damage. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if

the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that the driver receives a citation, and an individual suffers a bodily injury and immediately receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed.

For instances when an employee is involved in a workplace accident not involving a vehicle, but injures him/herself and requires medical treatment away from the scene of the accident, the employee will be taken to a medical treatment facility to receive care for his/her injuries and will be required to submit to a drug and/or alcohol test in addition to receiving the necessary treatment for his/her injury(ies).

I. Procedures for Post-Accident Testing

1. The employee must notify his/her supervisor and department head of the injury the department head will then notify the HR department.
2. The employee will be taken to a medical treatment facility where he/she will be treated for his/her medical injuries and drug and/or alcohol tested.
3. If the employee is out of town when the accident happens, and the department head cannot get to the employee, the employee must notify the department that the accident took place, but the department head is not expected to travel to the employee.
4. The department head will work with all witnesses to the accident and have them compose a written statement of what happened. The department head will hand in all witness statements to the HR department.
5. The department head will collect a written statement from the employee involved in the accident and turn that statement in to the HR department.
6. The employee, department head, witnesses, and HR department will work with the investigators to complete any other required paperwork and comply with the investigation.
7. If the employee refuses to undergo testing immediately, the department head and HR director shall take appropriate disciplinary action up to and including termination.
8. Disciplinary actions will result from a confirmed positive test, refusal to participate in a test, or of altering or attempting to alter test results.

J. Return to Duty Testing

Before an employee can return to work following placement on paid or unpaid leave due to a positive Breath Alcohol Test indicating Breath Alcohol Content levels of 0.02 to 0.039, the employee must pass a return-to-duty test. Return to duty testing

will consist of a Breath Alcohol Test and must indicate a Breath Alcohol Content level of less than 0.02.

K. Rehiring of Employees Discharged for Violation of Policy

Any employee that is discharged for violation of the Drug and Alcohol Policy will not be eligible for rehire for at least twelve (12) months from the date of discharge. The former employee must also provide documentation of satisfactory completion of an Alcohol or Drug Treatment Program. All other recruitment and selection criteria must also be met. Completion of the twelve (12) months wait or completion of the treatment process does not guarantee employment. No special consideration will be given to former employees wishing to be considered for rehiring. Application of this paragraph shall be consistent with the Americans with Disabilities Act (ADA).

K. Training

As required by the Federal Drug Free Workplace Act of 1988, the County shall establish an ongoing drug-free awareness program which will inform employees about the following:

1. The dangers of drug abuse in the workplace;
2. The County's policy of maintaining a drug-free workplace;
3. The availability of drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed on an employee for drug use/abuse violations.

As required by the Department of Transportation regulations, all drivers, supervisors and county officials shall receive at least sixty (60) minutes of training on:

1. The effects and consequences of controlled substance use on personal health, safety, and the work environment; and
2. The manifestations and behavioral changes that may indicate controlled substance use/abuse.

Madison County Government Alcohol and Drug Free Workplace Policy Acknowledgment and Consent

I, _____, have read and been given a copy of the County's policy on drugs and alcohol. I understand that I am subject to its provisions, and to changes that may be made in the policy from time to time. I further understand that the County may conduct drug and alcohol tests of its applicants and employees under the circumstances described in the policy. I hereby give my consent to the County and any laboratory/health-care provider that the County may designate, to collect and test samples from me to identify the presence of drugs and alcohol. I also authorize any such laboratory/health-care provider that performs such test(s) to release the test results to the County and any Medical Review Officer designated by the County.

Date: _____

Signature: _____

Witness: _____

Reasonable Cause/Reasonable Suspicion Testing Form

Madison County
Administration



Reasonable Cause/Reasonable Suspicion Testing Form

Please record the following information to document your reasonable cause/reasonable suspicion test determination.

Employee's Name: _____	Employee's Department: _____
Job Title: _____	
Location of Incident: _____	Date: _____ Time Observed: _____
Supervisor's Name & Signature: _____	
HR Staff Member Name & Signature: _____	

Observations (Please check all that apply, and include descriptions of any changes in behavior.)

Appearance:

- | | | | |
|-------------------------------------|---|--|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Tremors/Twitches | <input type="checkbox"/> Flushed or Pale | <input type="checkbox"/> Dilated Pupils |
| <input type="checkbox"/> Sleepy | <input type="checkbox"/> Sores/Puncture Marks | <input type="checkbox"/> Heavy Eyelids | <input type="checkbox"/> Bloodshot eyes |
| <input type="checkbox"/> Disheveled | <input type="checkbox"/> Excessive Sweating | <input type="checkbox"/> Cleanliness | <input type="checkbox"/> Other (explain below) |

Description/Notes: _____

Behavior/ Demeanor:

- | | | | |
|--|------------------------------------|--|--|
| <input type="checkbox"/> Nervous | <input type="checkbox"/> Erratic | <input type="checkbox"/> Mood Swings | <input type="checkbox"/> Lethargic |
| <input type="checkbox"/> Irritable | <input type="checkbox"/> Paranoid | <input type="checkbox"/> Verbally/Physically Abusive | <input type="checkbox"/> Highly Excited |
| <input type="checkbox"/> Confusion/Inattentive | <input type="checkbox"/> Combative | <input type="checkbox"/> Fatigue/Sleeping/Drowsiness | <input type="checkbox"/> Other (explain below) |

Description/Notes: _____

Motor Skills:

- | | | | | |
|-----------------------------------|---|----------------------------------|-------------------------------------|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Swaying | <input type="checkbox"/> Falling | <input type="checkbox"/> Unbalanced | <input type="checkbox"/> Other (explain below) |
| <input type="checkbox"/> Unsteady | <input type="checkbox"/> Lack of Coordination | <input type="checkbox"/> Fidgety | <input type="checkbox"/> Stumbling | |

Description/Notes: _____

Speech:

- | | | | |
|-------------------------------------|--------------------------------------|--|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Slurred | <input type="checkbox"/> Loud | <input type="checkbox"/> Other (explain below) |
| <input type="checkbox"/> Incoherent | <input type="checkbox"/> Exaggerated | <input type="checkbox"/> Talking Excessively | |

Description/Notes: _____

Odor:

- | | | |
|-------------------------------------|---|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Smell of Alcohol | <input type="checkbox"/> Excessive Cologne |
| <input type="checkbox"/> Buzzy Odor | <input type="checkbox"/> Smell of Marijuana | <input type="checkbox"/> Other (explain below) |

Description/Notes: _____

Test Conducted: Yes No

Appendix A – Transportation Employees: Additional DOT/FTA Provisions

This appendix integrates the Madison County Transportation Drug and Alcohol Program to ensure compliance with all Federal Transit Administration (FTA) and U.S. Department of Transportation (DOT) regulations under 49 CFR Parts 40 and 655. These provisions apply specifically to safety-sensitive employees within the Madison County Transportation Department.

Adopted as of December 9, 2025

DRUG AND ALCOHOL TESTING POLICY

Madison County Transportation Authority Adopted as of September 5, 2024

A. PURPOSE

1) The Madison County Transportation Authority provides public transit and paratransit services for the residents of Madison 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, Madison County Transportation Authority 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. Covered employees shall abide by the terms of this policy statement as a condition of employment. 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 drug and 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 specimens for drug and alcohol testing.

3) Any provisions set forth in this policy that are included under the sole authority of Madison County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Madison County Transportation Authority 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.

Drug and Alcohol Testing Policy (Zero Tolerance - v.0623) Page 1

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, persons controlling the dispatch or movement of revenue service vehicles and any transit employee who operates a non-revenue service 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 means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence 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.

Alternate specimen: An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

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.

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

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

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

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.

Employee: Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Evidential 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: The first 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 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 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 the minimum standards of HHS; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

Limit of Detection (LOD): The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

Limit of Quantification (LOQ): For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) 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 creatinine and specific gravity values that are 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 specimen: A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

QRAF Fluid Specimen: A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

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.

Primary specimen: In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine as specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) 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 dispatch or movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Specimen: Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40, is used to hold a primary ("A") or split ("B") specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

Split Specimen: In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

Split specimen collection: A collection in which the single specimen collected is divided into two separate specimen 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 with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: An employee's specimen not c10. consistent with a normal human specimen, as determined by HHS (e.g., 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) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the collection 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) Fail to attempt to provide a specimen. An employee who does not provide a 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 collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of specimen without a valid medical explanation.
- (6) Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection, possess or wear a prosthetic or other device used to tamper with the collection process.
- (10) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (11) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (12) Fail to remain readily available following an accident.
- (13) 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.

Undiluted (neat) oral fluid: An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 ml of undiluted (neat) oral fluid.

Urine specimen: Urine collected from an employee at the collection site for the purpose of 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 at or 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 at or 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 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 specimen, if the specimen was diluted, or if the specimen was altered.

D. EDUCATION AND TRAINING

- (1) Every employee covered 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 1308.11 through 1308.15 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. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

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 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 Madison County Transportation Authority 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 mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

F. PROHIBITED CONDUCT

- 1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as 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) Madison County Transportation Authority, 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 Madison County Transportation Authority 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 the Madison County Transportation Authority 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 this policy.

H. TESTING REQUIREMENTS

Drug testing and alcohol testing 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 this policy, and return to duty/follow-up.

A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before,

during, or after the performance of a safety-sensitive job function. Under Madison County Transportation Authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to drug testing and alcohol testing as a condition of ongoing employment with Madison County Transportation Authority.

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 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 and/or oral fluid specimen will be collected as 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 specimen. For those specimens that are not negative, a confirmatory test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the confirmatory test are at or 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 Madison County Transportation Authority. 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 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. Madison County Transportation Authority will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Madison County Transportation Authority 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) Observed collections consistent with 49 CFR Part 40, as amended, collection under direct observation with no advance notice will occur if:
 - a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Madison County Transportation Authority that there was not an adequate medical explanation for the result;
 - i. The MRO reports to Madison County Transportation Authority that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - ii. The laboratory reported to the MRO that the urine 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 urine specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).

- iii. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- iv. The temperature on the original urine specimen was out of range. (See §40.65(b)(5));
- v. The temperature on the original urine specimen was out of range (See §40.65(b)(5)).
- vi. All follow-up tests; or
- vii. All return-to-duty tests.

Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

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 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 this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

- 3) Madison County Transportation Authority 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 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 this policy.
 - e. If a pre-employment test is canceled, Madison County Transportation Authority 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 Madison County Transportation Authority 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. Madison County Transportation Authority 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 Madison County Transportation Authority 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 Madison County Transportation Authority FTA covered employees will be subject to 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 Madison County Transportation Authority' 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) Madison County Transportation Authority 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 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 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 the Madison County Transportation Authority.
- 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 this policy. Madison County Transportation Authority shall place the employee on administrative leave in accordance with the provisions set forth under this policy. Testing in this circumstance would be performed under the direct authority of the Madison County Transportation Authority. **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 this policy or the associated consequences.**

M. POST-ACCIDENT TESTING

- 1) **FATAL ACCIDENTS**-A covered employee will be required to undergo drug and alcohol 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, unless the covered employee can be completely discounted as a contributing factor to the accident.
 - b. or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
 - c. 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 Madison County Transportation Authority is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Madison County Transportation Authority 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. Individuals who may be covered under company authority will be selected from a pool of non-DOT-covered individuals.
- 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 the Madison County Transportation 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 the authority of the Madison County Transportation 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

Madison County Transportation Authority will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. 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. 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.

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 immediately removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and **will be terminated.**
- 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 a list of USDOT qualified SAPs. A test refusal is defined as any of 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 collection 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 refused to test.

- c. Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has refused to test.
 - d. In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of specimen without a valid medical explanation.
 - f. Fail or decline to take an additional 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 urine collection.
 - 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.
 - n. 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) An alcohol test result of less than 2:0.02 to less than 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 NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) 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 Madison County Transportation Authority employment.
 - 1. 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 this policy; however, all follow-up testing performed as part of a return-to-work agreement required under this policy is under the sole authority of Madison County Transportation Authority 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 this policy.

6) 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 this policy.

7) A Voluntary Return Referral does not shield an employee from disciplinary action or guarantee employment with Madison County Transportation Authority.)

8) 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

Madison County Transportation Authority 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 Madison County Transportation Authority 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 Madison County Transportation Authority 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 Madison County Board of Commissioners on
December 9, 2025.

Signed by: _____

TOMMY JUSTUS, Chairman of the Board

Date: _____

Signed by: Michael Garrison

~~MATTHEW WECHTEL~~ Madison County Commissioner

Date: 12/9/25

Signed by: _____

PAT HAGERMAN Director of Transportation and Operations

Date: _____

Attachment A		
<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Operator/Driver Full & Part Time	Operation of a MCTA Revenue Vehicle	FTA/DOT
Operations Manager	Manages Operation Fiscal Manager	FTA/DOT
Dispatcher	Dispatching Operators	FTA/DOT
Director	Operation of Transit Department	FTA/DOT

All employees are considered FTA Safety Sensitive

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).

Madison County Transportation Authority Drug and Alcohol Program Manager

Name: Pat Hagerman

Title: Director of Transportation and Operations

Address: 387 Long Branch Rd, Marshall, NC 28753 Telephone Number: 828-649-0729

Medical Review Officer

Name: Charlton Owensby Title: MD., J.D., FCLM

Address: 3700 Moorland Drive

Charlotte, NC 282026

Certification Number: 092301537

Substance Abuse Professional #1

Marlo Montalvo, MS, LCAS, SAP

222 We Union St Morgantown, NC 828.475.1804

Substance Abuse Professional #2

Graham Sargent CADCI, ICADC, SAP, IS

3102 O Street #6

Sacramento, CA 95816 833.436.8727

Breath Alcohol Technician

Jeri Thomas

Address: 61 Weaverville Blvd

Weaverville, NC 28787

Certification on Model 6820 Instrument D Level

Breath Alcohol Technician

Rebecca Suaso

Address: 61 Weaverville Blvd

Weaverville, NC 28787

Certification on Model 6820 Instrument D Level

Qualified Urine Specimen Collector

Holly Deckrow

61 Weaverville Blvd

Weaverville, NC 28787

Certification on "Qualified Specimen Collector Program"

Via April Waldrop 08/01 2021 through August 4th 2026

Qualified Urine Specimen Collector

Tracy Coggins

61 Weaverville Blvd

Weaverville, NC 28787

Certification on "Qualified Specimen Collector Program"

Via Jacqueline Ramos 11/23/2023 through November 15th 2028

TRANSPORTATION CONTRACT

MADISON COUNTY TRANSPORTATION AUTHORITY (MCTA)

AND

ELDERBERRY NURSING HOME
NOVEMBER 1, 2025 THROUGH JUNE 30 2026

THIS AGREEMENT, effective this 1st day of November 2025 by and between Madison County Transportation Authority herein after referred to as MCTA and Elderberry Nursing Home- Marshall, NC 28753.

Now, therefore in consideration of the mutual covenants set forth therein, MCTA and Elderberry Nursing Home agree as follows:

SECTION 1: PURPOSE OF AGREEMENT:

The purpose of this Agreement is to state the terms and conditions and mutual understanding of the parties, as to the manner in which MCTA will provide transportation services for Elderberry Nursing Home.

The purpose of this Agreement is to provide efficient and effective specialized transportation services to Elderberry Nursing Home.

SECTION 2: MCTA AGREES:

- To provide transportation services to clients of Elderberry Nursing Home. Service will include transporting clients from Elderberry Nursing Home to prearranged destinations and return if needed. This transportation will be available during MCTA normal workdays. Schedule of Holidays will be provided.
- To provide service during inclement weather in accordance with the policies and procedure of Madison County Inclement Weather Policy.
- To maintain insurance and safe public transportation vehicles, which meet the requirements of the North Carolina Department of Transportation-Public Transportation Division.
- To provide transportation services which utilize qualified, trained drivers and vehicles that are equipped, maintained and operated in a safe manner.
- Submit to Elderberry Nursing Home each month an itemized statement based on the rates set forth.

Madison County Transportation Authority
387 Long Branch Road, Marshall, NC 28753
828-649-0729

SECTION 3: Elderberry Nursing Home AGREES:

- To provide MCTA with appointments in writing at least 2-3 days in advance, for scheduling purposes. Once an appointment is known, please contact MCTA for scheduling. We understand there are appointments that come up unexpectedly; we ask that if available, that scheduling occur with as much advanced notice as possible.
- To provide MCTA with appointment times between 8am at 2:30 pm; for transport within Madison County.
- To provide MCTA with appointment times between 6 am and 2:00 pm; for transport to Buncombe County.
- To provide MCTA with the client's destination information and special needs or assistance that might be required.
- To provide MCTA with the full name & DOB so that a proper registration form may be completed for our database and document requirements.
- To provide MCTA with adequate notice of cancellation of prescheduled transportation. "Adequate Notice is defined as two hours before transportation or evening before".
- To confirm appointment the day before transport.
- To have passengers ready at 1.5 hours before standard appointment, unless MCTA notes differently. Access to time of pick up will be provided the day before the appointment.
- To reimburse MCTA for transportation services, cancellations and no-shows within thirty (30) days from the date of the monthly statement as submitted by MCTA.
- Follow MCTA's rules and regulations listed in policy and procedure manuals.

SECTION 4: Cost of Service:

- By mutual agreement, Elderberry Nursing Home agrees to pay \$3.50 per mile. (Calculated by direct miles)
- By mutual agreement, Elderberry Nursing Home agrees to pay \$25 per cancellation and no shows. (Calculated by direct miles to and from cancellation / no-show direct miles average). A list of these cancellations and no shows will accompany the bill at the end of each month to aid in rectifying the problem.

SECTION 5: Period of Performance:

- By mutual agreement, this contract shall be effective retroactive to November 1st, 2025, and shall terminate June 30, 2026 unless renewed or amended by mutual consent of both parties.
- In the event of noncompliance with any provision of this agreement, either party may terminate the agreement by giving the other party thirty (30) days of advance notice.

Madison County Transportation Authority
387 Long Branch Road, Marshall, NC 28753
828-649-0729

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

IN WITNESS WHEREOF, parties hereto have executed this Agreement this day and year first written.

Madison County Transportation Authority

Michael Horvath
~~Matthew Wechtel, Chairman~~

Madison County Board of Commissioners

12/9/25
Date

Kar Cutshell

Representative and Title

Elderberry Nursing Home, Marshall, NC 28753

11/03/25
Date

CONTRACT ADDENDUM

FOR CONTRACTS WITH ANY DEPARTMENT OF

MADISON COUNTY GOVERNMENT

CONTRACTOR: ELDER BERRY
COUNTY DEPARTMENT: TRANSPORTATION
SUBJECT OF CONTRACT: TRANSPORT
DATE/TERM OF CONTRACT: NOVEMBER 1, 2025 TO JUNE 30, 2026

Notwithstanding any provision contained in the above-referenced Contract or Agreement which may be to the contrary, the following provisions are incorporated and shall apply, supplant and control:

Non-appropriation clause. Contractor acknowledges that Madison County is a governmental entity, and the contract validity is based upon the availability of public funding under the authority of its statutory mandate. In the event that public funds are unavailable and not appropriated for the performance of Madison County's obligation under this contract, then this contract shall automatically expire without penalty to Madison County thirty (30) days after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that Madison County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this contract, but only as an emergency fiscal measure during a substantial fiscal crisis, which affects generally its governmental operations. In the event of a change in Madison County's statutory authority, mandate and mandated functions, by state and federal legislative or regulatory action, which adversely affects Madison County's authority to continue its obligations under this contract, then this contract shall automatically terminate without penalty to Madison County upon written notice to Contractor of such limitation or change in Madison County's legal authority.

Dispute Resolution/Jurisdiction Venue. Any dispute arising under this Agreement may be settled by mediation, and/or litigation, in the State of North Carolina in accord with such procedures as may be available to units of local government under state law. No other dispute resolution procedures shall apply. Jurisdiction for any legal proceedings concerning this contract or agreement shall be state courts in the State of North Carolina. Venue for such proceedings shall be Madison County.

No pledge of taxing authority. No deficiency judgment may be rendered against Madison County or any agency of Madison County in any action for breach of a contractual obligation under this contract. The taxing power of Madison County is not pledged directly or indirectly to secure any monies due under this contract.

No waiver of governmental immunity; Violation of law. Except for waiver of governmental immunity resulting from the execution of a valid contract, Madison County makes no other

waiver of governmental immunity. If any provision of the Contract or Agreement is in violation of any legal, statutory or state constitutional prohibition; then such provision(s) shall be unenforceable against Madison County.

Conflict of Interest. If this is a contract for design, engineering, contract administration or similar services, the Contractor will not enter into contracts or agreements with third parties that may present a potential for conflict of interest between Madison County and third parties regarding the subject matter of this Contract or Agreement.

Acceleration Clause. To the extent that any provision of the contract contains any acceleration of clause provision, said clause is deemed void and unenforceable.

Assignment of Rights. Neither party shall sign its rights under this contract without the express written agreement of the other party.

Indemnity, Hold Harmless, Assumption of Risk. To the extent that any provision of the Contract allows for any limitations on the Contractor's liability, any waiver in the limits of the County's liability, and/or any hold harmless or indemnification clauses in favor of the Contractor, those provisions are only effective and enforceable in the manner and to the extent provided by NC Law.

Default and Remedies. To the extent that any provision of the Contract addresses default and remedies, then those provisions are stricken in their entirety and are replaced with the following: "County and Contractor, in the event of default, shall have as remedies only those remedies provided by law relative to units of local government in the state of NC."

Compliance with E-Verify requirements. As a condition of payment for services rendered under this agreement, Contractor shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes. Further, if Contractor provides the services to the County utilizing a subcontractor, Contractor shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes as well. Contractor shall verify, by affidavit, compliance of the terms of this section upon request by the County.

For the Contractor: Karen Cutsnell Title: Administrator

For Madison County: Michael Morris Title: Chairman BOC

This instrument has been pre-audited in the manner required by the local government budget and fiscal control act.

By: _____
Madison County Finance Officer

RESOLUTION TO APPROVE THE BONDING OF COUNTY OFFICIALS

WHEREAS, North Carolina General Statutes § 105-349(c) requires a tax collector to provide a performance bond in such amount as the governing body may prescribe; and

WHEREAS, NCGS § 159-29(a) requires the finance officer to provide a performance bond with sufficient sureties in an amount to be fixed by the governing board, not less than \$1,000,000; and

WHEREAS, NCGS § 159-29(b) requires each officer, employee or agent of a local government who handles or has in his custody more than one hundred dollars (\$100) of the unit's funds at any one time to provide a performance bond in an amount to be determined by the governing board; and

WHEREAS, NCGS § 159-29(c) authorizes a local government to adopt a system of blanket faithful performance bonding as an alternative to individual bonds; and

WHEREAS, this Board is of the opinion that it is more efficient and economical and in the best interest of the County to have a system of blanket bonding rather than individual bonds and to include in the blanket bond coverage for risks not protected against by the individual bond for elected officials, finance officers and tax collectors; and

WHEREAS, NCGS § 161-4 requires every Register of Deeds to provide a performance bond with sufficient surety to be approved by the Board of County Commissioners, in the sum of not less than \$10,000 nor more than \$50,000; and

WHEREAS, NCGS § 162-8 requires the Sheriff to provide a performance bond in an amount determined by the board of county commissioners, but shall not to exceed \$25,000; and

WHEREAS, NCGS § 58-72-55 requires the Clerk of the Board of Commissioners to record in the proceedings the names of those commissioners who are present at the time of approval of official bonds and who voted for such approval; and

WHEREAS, NCGS § 58-72-55 further provides that any Commissioner may cause their written dissent to an official bond to be entered into the records of the board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Madison as follows:

1. That this Board hereby accepts and approves bonds for public officials as follows:
 - a. April Plemmons, Tax Collector \$100,000.00 with RLI Surety;
 - b. Kary Ledford, Finance Director \$1,000,000.00 with Western Surety Company;
 - c. Mary Jane Wallin, Register of Deeds, \$100,000.00 with Western Surety Company;

- d. James E. Harwood, Sheriff, \$25,000.00 with Western Surety Company; and
 - e. Board of Commissioners Blanket Bond covering all officers, employees and agents, \$10,000.00 with Western Surety Company.
2. That pursuant to NCGS 58-72-55, the Clerk is hereby instructed to record the names of all Commissioners present at this meeting and who voted in favor of this Resolution.
 3. That pursuant to NCGS 58-72-55, any Commissioner who votes against this Resolution may cause their written dissent to be entered into the record of the Board.
 4. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
 5. Any prior Resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
 6. That this Resolution is effective upon adoption.

This the 9th of December, 2025.

ATTEST



Clerk, Board of Commissioners

APPROVED AS TO FORM

BOARD OF COMMISSIONERS FOR THE
COUNTY OF MADISON



Chairman, Board of Commissioners

County Attorney

Madison County
Board of Commissioners

Budget Amendment #5
December 9, 2025

Description	Line Item	Debit	Credit
Library			
State Aid	10.3611.3200		\$ 5,396.00
Friends of the Library	10.3611.4420		\$ 668.73
Donations	10.3611.4116		\$ 50.00
Library Operations	10.6110.5600	\$ 6,114.73	
GPO- Helene Fund			
Helene Directed Grant	10.3433.6000		\$ 20,000,000.00
Helene Directed Grant	10.4333.1990	\$ 20,000,000.00	
Inmate Trust Fund			
Inmate Deposits	14.3836.1100		\$ 75,000.00
Inmate Payments	14.4310.1100	\$ 75,000.00	
Schools/Education			
Repair and Renovation Funds	10.5911.6350	\$ 15,312.79	
State Grant/Lottery Funds	10.3591.0000		\$ 15,312.79
Funding request approved at November meeting			
Sales Tax			
1/4 cent sales tax	10.3232.3115		\$ 64,502.03
Education/Schools			
1/4 cent sales tax	10.5911.7200	\$ 64,502.03	
Contingency			
	10.7000.0000		