

STATE OF ALABAMA)
)
 FRANKLIN COUNTY) **FRANKLIN COUNTY COMMISSION**
) **REGULAR MEETING**
) **FEBRUARY 21, 2023 8:30 AM**

PRESENT: Honorable Barry Moore, presiding as Judge of Probate and Chairman, and Messrs., Jason Miller, Joseph Baldwin, and David Hester as Members.
Absent: Chris Wallace.

ALSO PRESENT: Animal Control Officer Joey Wingo, Coroner Charles Adcox, Revenue Commissioner Stratt Byars, Solid Waste Manager Gene Ward, Mark Latham of the Franklin County Sheriff’s Office, County Engineer Jason Baggett, Ron Coats of Franklin County EMA, County Administrator Leah Mansell, Scott Mugno, and John Pilati of the *Franklin Free Press*.

CALL TO ORDER

Chairman Barry Moore called the meeting to order.

INVOCATION

The meeting was opened in prayer by Member Jason Miller.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Member David Hester.

ROLL CALL

Chairman Barry Moore stated that all Members are present except Commissioner Wallace and County Attorney Roger Bedford.

PUBLIC COMMENTS

Chairman Moore stated that Mr. Cooper of ALDOT has regional meetings scheduled for February 23, May 25, August 31 and November 30 in Huntsville for our region.

Chairman Moore stated that the Franklin County Partnership Awards Banquet is Thursday, March 23 at 6:30 PM at the A.W. Todd Centre.

Chairman Moore stated that the legislative session begins March 7.

Chairman Moore thanked Animal Control Officer Joey Wingo, Commissioner Chris Wallace and County Engineer Jason Baggett for working together for the drawing for the new animal control facility. He added information for plumbing, electrical and HVAC will still have to be gathered before the project can be bid. Chairman Moore also thanked Commissioner Miller for scheduling a tour at the Fayette County Animal Control Center at 1:30 on Wednesday.

Chairman Moore stated that it would be beneficial to create a Polling Center at Russellville First Baptist Church that included the Courthouse Annex Precinct, the Electric Warehouse Precinct, and the College Avenue Precinct. He said there will be more parking at the church and the church can accommodate the 3 precincts. There will need to be a Public Hearing on March 21 at 6:00 PM, held at Russellville First Baptist Church for input from the voters and poll workers. He stated that holding a public hearing would need to be added to the agenda as item number 4B.

Chairman Moore stated that he has a Precision Communications invoice to approve for payment for siren repair for Spruce Pine, East Franklin and Mountain Star. He said that this would need to be added to the agenda as item number 2B.

Chairman Moore stated that he has a Precision Communications estimate to approve for payment once completed for East Franklin, Tharptown and Bethsaida. He said that this would need to be added to the agenda as item number 2C.

Chairman Moore stated that he has Hwy Department Budget Amendments that need to be added to the agenda as item number 3C.

Chairman Moore stated that item number 6D under the Sheriff's Office/Jail needs to be amended to Hire part time Corrections Officer/Dispatcher.

Chairman Moore stated that he has a letter from the Sheriff to hire a part time, as need Corrections Officer/Dispatcher. He stated this would need to be added to the agenda as item number 6E.

Chairman Moore stated that he has a letter from the Sheriff to approve the retirement of Investigator Jason Holcomb. He stated this would need to be added to the agenda as item number 6F.

Chairman Moore gave an update on the Opioid Litigation that the county had received the Johnson and Johnson settlement and that there are new settlements in works: Walmart, Teva, Allergan, Walgreens and CVS. He added that the Commission had passed a blanket resolution for the Opioid Litigation settlements and no action would need to be taken.

Chairman Moore stated that he had been contacted a few weeks ago by the Viewpoint Project with Dennis Quaid about a commercial for Franklin County. He and Chamber Director Cassie Medley reached out to the municipalities in the County to work together and it was decided that it would be "all or nothing" in the beginning. The total cost would be \$23,300 and it would be divided between the municipalities. He stated that if it was yes from everyone, the project will proceed but if there are any no's, the project would not move forward. He stated this would need to be added to the agenda as item number 9.

EMA Assistant Ron Coates stated that as of yesterday, February 20, 2023, live siren testing in the city of Russellville has suspended due to school testing and daycare issues. He

stated that testing inside the city of Russellville would only be done by request of city officials. He added that testing in the county will continue each month.

Chairman Moore asked how EMA Director Mary Glass is doing following her back surgery and Ron replied that she is doing ok but still in a lot of pain.

APPROVAL OF AGENDA

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to add item number 2B to the agenda concerning an invoice for Precision Communications.

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to add item number 2c to the agenda concerning an estimate for Precision Communications.

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to add item number 3C to the agenda concerning budget amendments for the highway department.

It is on motion of Mr. Jason Miller, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to add item number 4B to the agenda concerning holding a Public Hearing regarding the creation of a polling center at Russellville First Baptist Church to include the Courthouse Annex Precinct, the Electric Warehouse Precinct, and the College Avenue Precinct.

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to amend item number 6D on the agenda concerning hiring a part time Corrections Officer/Dispatcher.

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to add item number 6E to the agenda concerning hiring a part time, as needed Corrections Officer/Dispatcher.

It is on motion of Mr. Joseph Baldwin, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to add item number 6E to the agenda concerning the retirement of Investigator Jason Holcomb.

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to add item number 9 to the agenda concerning the Viewpoint Project commercial for Franklin County.

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve the overall agenda as presented to include additions.

APPROVAL OF MINUTES

It is on motion of Mr. Joseph Baldwin, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve the January 17, 2023 Regular Meeting Minutes.

APPROVAL OF BILLS

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve the January bills.

NEW BUSINESS

CORONER

SALARY

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to table the Coroner's salary until further information is obtained from the auditors regarding the local laws relating to the Coroner's salary.

EMA

FMLA LEAVE

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to approve FMLA leave for EMA Director Mary Hallman-Glass for a period of 4-6 weeks beginning on February 13 due to her having back surgery.

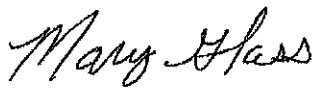
Letter as follows:

2/10/2023

Dear Franklin County Commission:

Please be advised that I hereby request FMLA leave for a period of 4-6 weeks in connection with my surgery I will be having on 2/13/2023. The leave will start on 2/13/2023. If you need any additional documentation to support my request, please let me know.

Thank you,

A handwritten signature in cursive script that reads "Mary Glass".

Mary Glass

PRECISION COMMUNICATIONS INVOICE

It is on motion of Mr. Jason Miller, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve to pay an invoice for siren repair from Precision Communications for Spruce Pine, East Franklin and Mountain Star.

Invoice as follows:



P.O. Box 298
 Amory, MS 38821
 Phone: 662-256-3118
 Email: precisioncommunicationsinc@gmail.com

INVOICE

BILL TO:
 FRANKLIN COUNTY EMA
 PO BOX 1028
 RUSSELLVILLE, AL 35654

Invoice No: 19320
 Date: 02/13/2023
 Terms: Net 30
 Due Date: 03/15/2023

Detach top portion and send with payment

P.O. No.

Item Description	Qty	Rate	Amount
W/O# 6014 CHECK SIRENS			
1/16/2023 KYLE HUGHES, ANDREW EUBANKS 1. SPRUCE PINE POST OFFICE- BATTERIES WERE BAD AND REPLACED WITH 2 NEW 31 STYLE BATTERIES 2. EAST FRANKLIN SCHOOL- SWR- 32 OUT AND 8 REFLECTIVE. NEED TO REPLACE ANTENNA AND COAX; WILL PROVIDE A QUOTE FOR REPLACING THESE 2 ITEMS. 3. MOUNTAIN STAR- BOARD WAS IN SLEEP MODE. RECYCLED POWER TO LOGIC BOARD AND TESTED SIREN LOCALLY AND HAD MARY TEST FROM HER SITE. SIREN ACTIVATED AND RESPONDED BACK.	5	125.00	625.00T
SERVICE CALL	1	150.00	150.00T
31XHD EXIDE BATTERY (SPRUCE PINE POST OFFICE)	2	170.00	340.00T

We appreciate your business. Please call Karen Decanter at 1-800-737-7357 with any questions.

Subtotal	1,115.00
Sales Tax	0.00
Discount	
Total	1,115.00
Deposit	
BALANCE DUE	\$1,115.00

PRECISION COMMUNICATIONS ESTIMATE

It is on motion of Mr. Joseph Baldwin, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve to pay an estimate upon completion for siren repair from Precision Communications for East Franklin, Tharptown and Bethsaida.

Estimate as follows:



P.O. Box 298
 Amory, MS 38821
 Phone: 662-256-3118
 Email: precisioncommunicationsinc@gmail.com

ESTIMATE

Estimate No.: 17031
 Date: 02/08/2023

Bill to:
 FRANKLIN COUNTY EMA
 PO BOX 1028
 RUSSELLVILLE, AL 35654

Ship to:
 RON COATS
 FRANKLIN COUNTY EMA
 12951 HIGHWAY 187
 RUSSELLVILLE, AL 35654
 (205) 540-8448

P.O. No.
 RON COATS

DESCRIPTION	QTY	RATE	AMOUNT
REPLACE ANTENNA AND COAX AT EAST FRANKLIN SCHOOL AND ASSESS SIREN AT THARPTOWN AND BETHSEDA			
58-B RG-58 TRAM BROWNING STRANDED COAX (35 FT.)	35	0.95	33.25T
PL-259 CONNECTOR	2	9.50	19.00T
BR-6051 TRAM BROWNING NMO 136-174 MHZ VHF OMNI BASE ANTENNA	1	89.99	89.99T
DS-2000 WINEGARD UNIVERSAL 22-INCH TOWER MOUNT FOR OFF-AIR TV ANTENNAS (1.5 IN. DIAMETER MOUNT PIPE) INCLUDES 2 U-BOLTS, FIT 1IN TO 2IN PIPE/TOWERS	1	54.06	54.06T
LABOR TO INSTALL ABOVE EQUIPMENT; TEST COMPLETE AND ASSESS SIRENS AT THARPTOWN	6	175.00	1,050.00T
BUCKET TRUCK TO BE PROVIDED BY CUSTOMER			

-Credit card payments will incur a 3% charge
 -Shipping cost(s) are calculated at time of shipment
 -This Estimate is good for 30 days from above date

Subtotal	1,246.30
Sales Tax	0.00
Total	\$1,246.30

HIGHWAY DEPARTMENT

PART TIME TEMPORARY EMPLOYEE

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve to hire Steve Pounders as part time temporary employee, effective February 6, 2023.

Letter as follows:

COUNTY ENGINEER
Jason Baggett



TELEPHONE - (256) 332-8434
EMAIL - jasonb@franklincountyal.org

Franklin County Highway Department
P.O. BOX 717
RUSSELLVILLE, ALABAMA 35653

February 8, 2023

Franklin County Commission
P.O. Box 1028
Russellville, AL 35653

RE: Temporary Employment Notification

Dear Judge Moore:

It is my pleasure to inform you that Mr. Steve Pounders started as a temporary employee on February 6, 2023 and will be working less than 30 hours a week at \$18.00 per hour.

If you have any questions or need any additional information, please inform me.

Sincerely,

A handwritten signature in black ink that reads "Jason Baggett". The signature is written in a cursive style with a large initial "J".

Jason Baggett, PE
County Engineer

Cc: File

FULL TIME TEMPORARY EMPLOYEE

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to approve to hire Blake DeVaney as full-time temporary employee, effective February 13, 2023.

Letter as follows:

COUNTY ENGINEER
Jason Baggett



TELEPHONE - (256) 332-8434
EMAIL - jasonb@franklincountyal.org

Franklin County Highway Department
P.O. BOX 717
RUSSELLVILLE, ALABAMA 35653

February 9, 2023

Franklin County Commission
P.O. Box 1028
Russellville, AL 35653

RE: Temporary Employment Notification

Dear Judge Moore:

It is my pleasure to inform you that Mr. Blake Devaney will start as a temporary employee on February 13, 2023 and will be full time at \$14.50 per hour.

If you have any questions or need any additional information, please inform me.

Sincerely,

A handwritten signature in black ink that reads "Jason Baggett".

Jason Baggett, PE
County Engineer

Cc: File

BUDGET AMENDMENTS

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to approve the budget amendments for highway department.

Amendments as follows:

Budget Revision Request Franklin County

Budget Year 2022-2023

Department Highway Department

Contact Name Jason Baggett

Title/Position Engineer

Line Item Number	Line Item Description	Approved Amount	Requested Amount	Revised Amount
111-53100-121A	Retiree COLA	12,328.00	-12,328.00	0.00
111-53100-2310	Rep/Maint. Bldg. Land	5,000.00	+12,328.00	17,328.00
114-53100-3000	Matching Funds	300,000.00	-250,000.00	50,000.00
114-53100-213B	Bridge Replacement	50,000.00	+200,000.00	250,000.00
114-53100-2380	Contract Labor & Equip	250,000.00	+50,000.00	300,000.00

Please list below the total amount that the entire budget was approved for (not the sum of the "approved amount" column for the line items listed above). The +/- amendments' below is the sum of the "requested amendments" column above. Do not add any other columns. The 'revised budget' below is the sum of the total budget amount below the +/- the sum of the amendments.

The purpose of the section below is to reflect how this revision request will change the entire budget.

Total Budget	+/- Amendments	Revised Budget

Reason(s)

To correct overages.

Signature _____ Date _____

FRANKLIN COUNTY COMMISSION
UPDATE BUDGET CHANGES

FY 2022-2023
PRINT & UPDATE

FY2023 Budget

<u>ACCOUNT</u>	<u>DATE</u>	<u>CHANGE NUMBER</u>	<u>CURRENT BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
Expenditure					
111					
111-53100-121A RETIREE COLA per meeting	2/21/2023	26338	12,328.00	-12,328.00	0.00
111-53100-2310 REPAIRS/MAINTENANCE BLDG AND LAND per meeting	2/21/2023	26339	5,000.00	12,328.00	17,328.00
Total for 111			17,328.00	0.00	17,328.00
114					
114-53100-213B BRIDGE REPLACEMENT/REPAIRS per meeting	2/21/2023	26341	50,000.00	200,000.00	250,000.00
114-53100-2380 CONTRACT LABOR AND EQUIPMENT per meeting	2/21/2023	26342	250,000.00	50,000.00	300,000.00
114-53100-3000 MATCHING FUNDS per meeting	2/21/2023	26340	300,000.00	-250,000.00	50,000.00
Total for 114			600,000.00	0.00	600,000.00
	Total for Expenditure		617,328.00	0.00	617,328.00
Grand Total			617,328.00	0.00	617,328.00

PROBATE OFFICE

POLL PADS

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve to purchase 18 poll pads from KnowInk to replace outdated ones at a cost of \$7461.00. Chairman Moore stated that KnowInk has proposed \$13 each for trade in and depending on information about trade in from the State since these were purchased through HAVA funds.

Quote as follows:

KNOWiNK, LLC.
 460 N Lindbergh Blvd
 Saint Louis, MO 63141
 +1 8557655723
 http://knowink.com

Estimate



ADDRESS
Judge Barry Moore Franklin County AL Elections 410 N. Jackson Ave Russellville, AL 35653

SHIP TO
Judge Barry Moore Franklin County AL Elections 410 N. Jackson Ave Russellville, AL 35653

ESTIMATE #	DATE
6420	02/07/2023

TYPE	ITEM	HARDWARE/SOFTWARE	QTY	UNIT PRICE	TOTAL AMOUNT
	iPad	iPad Wifi 64gb - Space Grey (MK2K3LL/A)	18	300.00	5,400.00
	Poll Pad Case - w/o Printer	Transport Case (1 Poll Pad Unit)	18	110.00	1,980.00
	ID Tray		18	7.50	135.00
	Shipping		18	10.00	180.00
	iPad buyback	Air 2	18	-13.00	-234.00

TOTAL USD 7,461.00

Accepted By

Accepted Date

Terms of Subscription

Subject to acceptance of the Master Software License & Service Agreement will be a (3) three year agreement. The term will begin effective on the date of

PUBLIC HEARING FOR POLLING CENTER

It is on motion of Mr. Jason Miller, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve to hold a Public Hearing on March 21 at 6:00 PM, held at Russellville First Baptist Church for input from the voters and poll workers on creating a Polling Center at Russellville First Baptist Church that included the Courthouse Annex Precinct, the Electric Warehouse Precinct, and the College Avenue Precinct. Chairman Moore said there will be more parking at the church and the church can accommodate the 3 precincts.

REVENUE COMMISSION

RESIGNATION OF PROPERTY CLERK

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve the resignation of Brittany Rocatto as Property Clerk, effective February 10, 2023.

Letter as follows:

Stratt Byars

Franklin County Revenue Commissioner

PROPERTY

P.O. Box 248
Russellville, AL 35653
(256) 332-8837

TAGS

P.O. Box 417
Russellville, AL 35653
(256) 332-8832

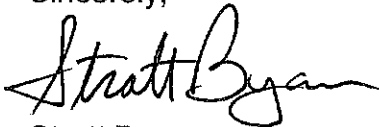
February 3, 2023

Barry Moore, Chairman
Franklin County Commission
Courthouse Annex
P. O. Box 1028
Russellville, AL 35653

Judge Moore and Commissioners,

Please accept the resignation of Brittney Roccato, Property Clerk in the Revenue Commissioners office. The effective date is at the close of business on February 10, 2023.

Sincerely,



Stratt Byars
Revenue Commissioner
Franklin County

ADVERTISE FOR PROPERTY CLERK

It is on motion of Mr. Jason Miller, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to approve advertise the vacant position of Property Clerk.
Letter as follows:

Stratt Byars

Franklin County Revenue Commissioner

PROPERTY

P.O. Box 248
Russellville, AL 35653
(256) 332-8837

TAGS

P.O. Box 417
Russellville, AL 35653
(256) 332-8832

February 3, 2023

Barry Moore, Chairman
Franklin County Commission
Courthouse Annex
P. O. Box 1028
Russellville, AL 35653

Judge Moore and Commissioners,

I would like to request to advertise for the open position of Property Clerk in the Revenue Commissioners office. Thank you for your consideration.

Sincerely,



Stratt Byars
Revenue Commissioner
Franklin County

SHERIFF'S OFFICE/JAIL

AMEND SRO CONTRACT

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve to amend the SRO contract for Greg Baker.

Contract as follows:

MEMORANDUM OF AGREEMENT
January 9, 2023 - September 30, 2023

A School Resource Officer Program will be established with the Franklin County Schools, the Franklin County Commission and the Franklin County Sheriff's Department.

The Franklin County Sheriff's Department shall provide one School Resource Officer for the Franklin County School System.

The Franklin County School System, the Franklin County Commission and the Franklin County Sheriff's Department will be responsible for the salary of \$32,000.00 per agreement to be prorated for 9 months (January-September) for a total of \$24,000 and divided as follows:

Franklin County Schools - \$12,000.00

Franklin County Commission - \$12,000.00

Franklin County Sheriff's Department - Gun, Ammunition, Taser, Car, Fuel, Benefit Package and Required Training.

The School Resource Officer will divide time equally among the schools in Franklin County, or per request of the Superintendent of Education as specifically assigned.

The School Resource Officer may not be called away from the school setting to address other law enforcement issues.

The School Resource Officer must complete SRO Training, NARSO approved. The School Resource Officer must have completed Active Shooter Training. The School Resource Officer shall not act as a disciplinarian.

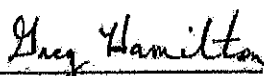
The School Resource Officer shall become familiar with all Board of Education Policies and the Code of Student Conduct.


The School Resource Officer shall act as and be considered a school official for searches and seizures based on reasonable suspicion authorized by New Jersey vs. T.L.O.

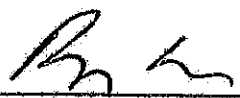
The School Resource Officer shall take law enforcement action as required.

The use of confidential school records by the SRO shall be done as allowed under the Family Educational Rights and Privacy Act.

The Franklin County School System, The Franklin County Commission and the Franklin County Sheriff's Department agree to cooperate in good faith in fulfilling the terms of this agreement. Unforeseen difficulties will be resolved by negotiation between the Superintendent of Education and the Franklin County Sheriff.


Greg Hamilton
Superintendent of Education


Shannon Oliver
Franklin County Sheriff


Barry Moore
Commission Chairman

HIRE DEPUTY

It is on motion of Mr. Joseph Baldwin, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve to hire Jaret Yancey as a Deputy, effective January 23, 2023.

Letter as follows:



SHANNON OLIVER
SHERIFF

FRANKLIN COUNTY SHERIFF'S OFFICE

748 WALNUT GATE ROAD
RUSSELLVILLE, ALABAMA 35654

OFFICE 256-332-8811

JAIL 256-332-8425

FAX 256-332-8816

January 17, 2023

Barry Moore, Chairman
Franklin County Commission
PO Box 1028
Russellville, AL 35653

Gentlemen,

After reviewing applications and conducting interviews, I am hiring Jaret Dalton Yancey a permanent full time Deputy Sheriff. Effective January 23, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Oliver".

Shannon Oliver
Sheriff

HIRE CORRECTIONS OFFICER/DISPATCHER

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board to approve to hire Trenton Hovater as a Corrections Officer/Dispatcher, effective January 25, 2023.

Letter as follows:



SHANNON OLIVER
SHERIFF

FRANKLIN COUNTY SHERIFF'S OFFICE

748 WALNUT GATE ROAD
RUSSELLVILLE, ALABAMA 35654

OFFICE 256-332-8811

JAIL 256-332-8425

FAX 256-332-8816

January 25, 2023

Barry Moore, Chairman
Franklin County Commission
Po Box 1028
Russellville, AL 35653

Gentlemen,

After reviewing applications and conducting interviews, I am hiring Trenton Hovater permanent full time as Corrections Officer /Dispatcher. Effective January 25, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Oliver".

Shannon Oliver
Sheriff

HIRE PART TIME CORRECTIONS OFFICER/DISPATCHER

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve to hire Sarah Kimbrough as a part time Corrections Officer/Dispatcher, effective February 6, 2023.

Letter as follows:



SHANNON OLIVER
SHERIFF

FRANKLIN COUNTY SHERIFF'S OFFICE

748 WALNUT GATE ROAD
RUSSELLVILLE, ALABAMA 35654

OFFICE 256-332-8811
JAIL 256-332-8425
FAX 256-332-8816

February 13, 2023

Barry Moore, Chairman
Franklin County Commission
PO Box 1028
Russellville, AL 35653

Gentlemen,

After reviewing applications and conducting interviews, I am hiring Sarah Kimbrough as a part time Correction Officer / Dispatcher. Effective February 6, 2023

Sincerely,

A handwritten signature in black ink, appearing to read "S. Oliver".

Shannon Oliver
Sheriff

HIRE PART TIME AS NEEDED CORRECTIONS OFFICER/DISPATCHER

It is on motion of Mr. David Hester, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve to hire Lariza Delgado as a part time as needed Corrections Officer/Dispatcher, effective February 13, 2023.

Letter as follows:



SHANNON OLIVER
SHERIFF

FRANKLIN COUNTY SHERIFF'S OFFICE

748 WALNUT GATE ROAD
RUSSELLVILLE, ALABAMA 35654

OFFICE 256-332-8811

JAIL 256-332-8425

FAX 256-332-8816

February 13, 2023

Barry Moore, Chairman
Franklin County Commission
PO Box 1028
Russellville, AL 35653

Gentlemen,

After reviewing applications and conducting interviews, I am hiring Lariza Delgado as a part time as needed Correction Officer / Dispatcher. Effective February 13, 2023

Sincerely,

A handwritten signature in black ink, appearing to read "S. Oliver".

Shannon Oliver
Sheriff

RETIREMENT OF INVESTIGATOR

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve the retirement of Investigator Jason Holcomb, effective March 1, 2023.

Letter as follows:



SHANNON OLIVER
SHERIFF

FRANKLIN COUNTY SHERIFF'S OFFICE

748 WALNUT GATE ROAD
RUSSELLVILLE, ALABAMA 35654

OFFICE 256-332-8811

JAIL 256-332-8425

FAX 256-332-8816

February 17, 2023

Barry Moore, Chairman
Franklin County Commission
PO Box 1028
Russellville, AL 35653

Gentlemen,

I am accepting Jason Holcomb's letter of retirement effective March 1, 2023. I would like to publicly thank Jason for his loyalty and dedicated to the Franklin County Sheriff's Office. I wish Jason a happy and blessed retirement.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Oliver".

Shannon Oliver
Sheriff

Franklin County Sheriffs Office

This letter is to inform the Franklin County Sheriff's Office and the Franklin County Commission that as of March 01, 2023 I will be retired from the Franklin County Sheriff's Office.

After 25 years of Service in Law Enforcement and 22 of those years being at the Franklin County Sheriff's I want to say "Thank You" to each and everyone at the Sheriff's Office and Commission for you support throughout these years.

Lt. Jason Holcomb

Franklin County Sheriff's Office

SOLID WASTE

SALE OF DUMPSTERS

It is on motion of Mr. David Hester, second by Mr. Joseph Baldwin, unanimously ordered, adjudged and decreed by the Board per letter of request from the City of Russellville, to sell and declare surplus property, approximately 185 dumpsters for \$500 and any new dumpsters set between now and October 1 for full purchase price, contingent upon Russellville approving an exclusive franchise in their city limits.

Letters as follows:



P.O. Box 1000
Russellville, Alabama
35653

Phone
(256) 332-6060

Fax
(256) 332-8777

David Reed Grissom
Mayor

Belinda Miller, CMC
City Clerk/Treasurer

City Council:

David Palmer
District 1

Darren Woodruff
District 2

Gary Cummings
District 3/Mayor Pro-Tempore

Dexter Hamilton
District 4

Jamie Harris
District 5

February 9, 2023

Franklin County Commission
P.O. Box 1028
Russellville, AL 35653

Dear Members of the Franklin County Commission:

The City of Russellville is interested in purchasing from the Franklin County Commission approximately 183 used in-place dumpsters throughout the city of Russellville at \$500 each. Should the Franklin County Solid Waste Department replace any of these used in-place dumpsters with a new dumpster, the City of Russellville will pay to the Franklin County Commission the invoice price of the new dumpster. The total number of used dumpsters that the City of Russellville would like to purchase will be determined by a final count just prior to October 2023.

The purchase would be contingent on the Russellville City Council adopting the exclusive franchise pertaining to commercial dumpsters within the city limits of the city of Russellville and approving the purchase of the used dumpsters from the Franklin County Commission. Our goal is to begin this operation October 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Grissom", is written over a horizontal line.

David R. Grissom
Mayor



FRANKLIN COUNTY SOLID WASTE

P.O. Box 1205
RUSSELLVILLE, ALABAMA 35653



PHONE (256) 332-8412
FAX (256) 332-8855



February 6, 2023

Judge Barry Moore
Commission Chairman
Franklin County Commissioners
P.O.Box 1028
Russellville, AL 35653

Re: City of Russellville Purchasing Dumpsters

Gentleman,

We have come to an agreement with the City of Russellville in purchasing our dumpsters when The City franchises the dumpster pick-up inside the city limits of Russellville. The City has agreed to pay \$500.00 per dumpster and will pay the full price for any newly purchased dumpster set inside the city limits from this point forward. We currently have around 185 dumpsters set inside the city of Russellville, but a final number will be given at the time of sale.

Thank you

Robert Ward
Landfill Manager
Franklin County Solid Waste
(256) 332-8412

AMEND DRUG AND ALCOHOL POLICY

It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, unanimously ordered, adjudged and decreed by the Board to approve the amended drug and alcohol policy to include updates as related to the approval of medical marijuana in Alabama.

Policy as follows:

Franklin County
DRUG AND ALCOHOL ABUSE POLICIES AND PROCEDURES
(Effective date: February 21, 2023)

GENERAL STATEMENT OF POLICY

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

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

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

In order to avoid creating safety problems and violating this Policy, employees must inform their supervisor when they are legitimately taking any medication, including prescription drugs or over-the-counter medications, which may affect their ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this Policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including immediate termination.

No part of this Policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his or her employment. **Franklin County** maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this Policy and Procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling. Further, provisions of this policy, specifically including, but not limited to, testing procedures, are subject to change in order to remain consistent with United States Department of Transportation regulations. It is Franklin County's intent that it be allowed to choose any testing method that is approved by the United States Department of Transportation.

Franklin County has designated Leah Mansell, County Administrator, as the Drug Program Coordinator. If you have any questions or concerns regarding this Policy or its application, please contact her at: (256) 332-8850.

DEFINITIONS

- "Accident" means any on the job accident. "Accident" includes vehicular accidents as well as any acts or omission causing an accident or injury to any person, or damage to any equipment or property belonging to the county.
- "Administrator" means the person or entity that implements drug testing on employees and applicants.
- "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.
- "Chain of Custody" means procedures implemented by the Franklin County for the identification and integrity of each specimen. Franklin County requires the Drug Program Coordinator to track the handling and storage of each specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.
- "Collector" means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.
- "Collection Site" means a place designated by Franklin County where employees present themselves for the purpose of providing a specimen to be analyzed for the presence of specified controlled substance and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and the transportation or shipment of the samples to a laboratory.
- "Controlled Substance" means any substance defined or classified as a controlled substance according to Federal or State law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana and its derivatives regardless of how obtained, and any stimulants or hallucinogens, that are subject to legal prohibitions or restrictions on their sale, purchase, transfer, use, or possession.
- "County" means Franklin County.
- "DOT Employee" is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he or she performs.
- "Drug Program Coordinator" is the person designated by Franklin County to ensure compliance with this Policy, including, but not limiting, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by Franklin County are properly certified, and ensuring that the Medical Review Officer is properly credentialed. The name and contact information of the Drug Program Coordinator will be distributed to all employees.
- "Franklin County Premises" includes all property owned, leased, used or under the control of Franklin County, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of County employment.

- “Employee” means any and all employees of Franklin County.
- “Illegal/Unauthorized Drug” means any drug (A) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the counter, on the drug’s label; or (B) all illegal drugs, including, but not limited to, methamphetamine, cocaine, heroin, etc.
- “Intoxicating Substance” means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, “bath salts,” nitrous oxide, glues, solvents, cannabidiol (CBD) derivatives, or herbs or other plants such as salvia.
- “Legal Drug” means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by employee’s treating physician.
- “Possession” means actual or constructive care, custody, control, or immediate access.
- “Under the Influence” means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public and/or having any laboratory evidence of the presence of drugs, alcohol, prohibited or controlled substance in the employee’s body.
- “Medical Marijuana” refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.
- “Medical Review Officer” (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history and any other relevant biomedical information.
- “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.
- “Reasonable Cause” means that the County believes the actions or appearance or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.
- “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employees include, but are not limited to, persons who inspect, service, repair or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person, and those who are authorized to carry weapons of any kind. An employee is considered to be engaged in a safety-sensitive function from the time that an employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work.

PERSONS SUBJECT TO TESTING

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

- All employees who hold positions or regularly perform duties that have been designated to be "safety sensitive" by Franklin County.
- Any employee who, during the course of said employee's employment, is involved in an accident causing physical injury to any person or damage to any property.
- Any employee, regardless of whether he or she holds a safety sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any, drug and/or alcohol while performing his or her job duties, or while being physically present on the premises of the Franklin County's property during any activity sponsored, supervised, or in which the Franklin County participates.

TYPES OF TESTING

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

- 1) **PRE-EMPLOYMENT TESTING:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non-safety-sensitive position to a safety sensitive position.
- 2) **RANDOM TESTING:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.
- 3) **REASONABLE CAUSE TESTING:** Franklin County may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either (a) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee, or (b) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.
 - Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances may undergo testing to assist Franklin County in determining fitness for duty. If the employee tests positive, Franklin County shall discharge the employee.
- 4) **POST ACCIDENT TESTING:** All employees are required to report all injury or damage related accidents, or any accident in which the driver receives a citation and submit to a post accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his designee shall schedule the drug screening test immediately following an incident reportable or a reportable accident.
- 5) **RETURN-TO-DUTY TESTING:** If you have violated the prohibited drug and alcohol rules, you must comply with the Return-to-Duty process, which will including taking and passing a drug and alcohol test before being returned to work. Further, any person who has violated the prohibited drug and

alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety-sensitive service.

Any and all drug testing conducted by Franklin County will not be used to identify the existence of any disability.

Franklin County also reserves the right to search all property, cabinets, tool boxes, vehicles, including personal vehicles brought onto Franklin County's property, or any other property on Franklin County's property, under control of any employee or in the personal vehicle of any employee, and located on Franklin County's property and used by said employee in commuting to work or in that employee's duty as an employee if the Franklin County has a reasonable suspicion that items prohibited by this policy are contained therein.

SAFETY-SENSITIVE EMPLOYEES

Employees are considered to be "safety-sensitive" when their job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to,

- Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, and riding mowers
- Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed eaters
- Regularly operate motor vehicles or heavy equipment as part of his or her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama
- Regularly operate tools that have the capacity to seriously injure the user or another person
- Loading and unloading vehicles or heavy equipment.
- Any activity related to the safe operation of a mass transit system, including dispatching vehicles.
- Carrying any weapon or object that could reasonably be used as a weapon, including, but not limited to, firearms, knives, machetes, blades, tasers, or batons.
- Answering emergency calls and/or directing the provision of emergency services.
- Providing emergency medical services.

A list of positions that have been designated as safety sensitive by Franklin County is attached hereto as Appendix A. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is

on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety sensitive duty, just before, or just after the performance of a safety sensitive duty.

Medical marijuana prescribed pursuant to State law is not a valid medical explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law must inform Franklin County of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on individual circumstances; however, failure to properly report will result in termination for cause.

In addition, employees occupying positions deemed to be "safety-sensitive" must promptly report any arrests, charges, or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his or her supervisor. *FAILURE TO REPORT SUCH ARRESTS, CHARGES, OR CONVICTIONS MAY BE GROUNDS FOR DISCIPLINE, UP TO AND INCLUDING IMMEDIATE DISMISSAL.*

NECESSITY OF COMPLIANCE WITH TESTING REQUIREMENTS

All employees are subject to reasonable suspicion and post-accident testing as a condition of their employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation as a condition of their employment.

Any employee who refuses to take a drug and/or alcohol test to which he or she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from their duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

Refusals can include a variety of behaviors, including as follows:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Franklin County;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a specimen for any required drug test;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient amount of urine or other specimen when directed without an adequate medical explanation for this failure;
- Failure to take a second test when directed to do so by the Franklin County or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or Franklin County;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);

- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- Admit to the collector or MRO that you adulterated or substituted the specimen
- Failure to sign step 2 of the alcohol test form
- Leaving the scene of an accident without a valid reason before post-accident tests have been completed. Failure to remain "readily available."

OFF-DUTY CONDUCT

Off-the-job use of drugs, alcohol, or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the County's image, tasks, or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

PRESCRIPTION DRUGS AND INTOXICATING SUBSTANCES

The proper use of medication prescribed by a physician is not generally prohibited, except that safety-sensitive employees may not use medical marijuana; however, Franklin County prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances. Franklin County requires all employees using a controlled substance or any medication that may affect their job performance to notify the Franklin County's Medical Review Officer (MRO), or their Drug Program Coordinator of their use. Medications that may be considered to affect job performance include any medication that contains a warning that it may cause drowsiness, dizziness, or otherwise interfere with performance or cognition. A safety sensitive employee may not work using any such medication or any controlled substances unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his or her job. All employees should also be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including, but not limited to, products containing CBD oils, may cause a positive drug test result. The use of such products may not provide a medical justification for a positive test result.

PRE-EMPLOYMENT

All safety-sensitive applicants shall undergo drug testing using either urinalysis or any other method approved by the Department of Transportation prior to performing safety sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by Franklin County of a negative test result is required prior to performing safety sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he/she cannot be hired for a safety sensitive position.

A negative result on a pre-employment test by a job applicant is valid for thirty days. If a current covered employee has not performed a safety sensitive duty for 90 days or longer, and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random testing pool for more than thirty days.

A MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to their employment and that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. Franklin County will retain on file the negative drug test results of all new hires.

In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous Franklin County for whom the applicant performed safety sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior Franklin County, the employee must present proof of successfully having completed a referral, evaluation, and treatment plan.

REASONABLE CAUSE

All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence, or other violations of the drug or other Commission policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee, or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone, to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Upon the reasonable suspicion determination being made, Franklin County shall ensure that the employee is transported immediately to a collection site for the collection of a specimen sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least sixty (60) minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

RANDOM TESTING

Franklin County will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

Employees will be required to report to the designated collection site for testing as soon as possible but in no case later than two (2) hours following notification. Failure to report for drug/alcohol screening within two (2) hours of notification will be treated as a positive test result.

POST ACCIDENT TESTING

Employees are required to immediately notify the Drug Program Coordinator or his designee of any accident resulting in injury or damage to any county property or personnel.

Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a specimen to be tested in accordance with Department of Transportation regulations for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing.

Employees will be required to undergo drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incurs disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in their usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by Franklin County using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

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

If an employee is injured, unconscious, or otherwise unable to give consent to the drug test, all reasonable steps must be taken to obtain a specimen sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or prohibiting a driver from leaving the scene of an*

accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident, or until he/she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight (8) hours following an accident for alcohol and not to exceed thirty-two (32) hours post-accident for drug testing. If there is a delay of greater than 2 (two) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral, and the Franklin County must still attempt to administer an alcohol test for up to 8 (eight) hours following the accident or until the employee undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing must remain available and follow these guidelines, or the County may consider the employee to have refused to submit to testing.

The Commission will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall insure that an Accident Report is filed in compliance with Commission Policy and applicable laws and regulations.

GENERAL TESTING PROCEDURES

Franklin County will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
- Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by County. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license, with photo, other form of picture identification, or identification by a County representative.
- The Employee shall complete a drug testing custody and control form.
- The Drug Program Coordinator shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The County may, but shall not be required to, reanalyze the employee's original sample to clarify the findings.
- Controlled substance testing must follow split sample procedures. Under this provision, an employee whose specimen sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the County within 72 hours after notification of a positive sample that he/she desires a retest under this provision.
- If a split sample test produces a negative result or if they second portion is not available, the test is considered negative, and no sanctions will be imposed.
- All persons who receive information by County regarding drug tests shall maintain this information on a confidential basis.

- In the event that the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including, but not limited to, Oral Fluid Testing, Franklin County reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.

Both **Franklin County** and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

SUBSTANCES TESTED FOR

DOT employees will regularly be tested for:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines (including, when appropriate, amphetamine, methamphetamine, MDMA, and MDA.)
- Opioids (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone)
- Phencyclidine (PCP)
- Alcohol

Non-DOT employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the **Franklin County** for safety purposes. All such tests will be performed by certified laboratories and/or technicians. Such tests will be coordinated with the Drug Program Coordinator.

COLLECTION SITES

Franklin County will designate a collection site in a reasonably accessible location.

COLLECTION PROCEDURES

Drug testing is currently conducted by analyzing an employee's urine specimen.¹ The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification, and integrity is not compromised.

Split specimen procedures:

1. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen.
2. Both bottles are sent to a laboratory.
3. Only "primary" specimen is opened and used for analysis.
4. "Split" specimen remains sealed and stored at the laboratory.
5. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee

¹ Franklin County reserves the right to use any other method approved by the Department of Transportation.

has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis.

6. If it is positive for one or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis.
7. GC/MS confirmation ensures that over-the-counter medications or prescriptions are not reported as positive results.

Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait period.

DIRECT OBSERVATION

Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

1. All return-to-duty tests;
2. All follow-up tests;
3. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;
4. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
5. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
6. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid, and the MRO determines that there is not an adequate medical explanation for the result;
7. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt as appropriate, above the waist, lower clothing and underpants, and turn around completely at the direction of the observer in order to show that he or she is not wearing any prosthetic device.

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

ALCOHOL TESTING PROCEDURES

All employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. ***In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty.*** A Blood Alcohol Concentration (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety sensitive employees are also subject to random alcohol testing. Random testing will be conducted

just before, during, or just after the employee has performed a safety-sensitive function. Safety sensitive employees with a BAC of 0.02 will be immediately removed from the safety sensitive duties for a period of at least twenty-four (24) hours.

All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

EVALUATIONS AND RETURN OF RESULTS

The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

REQUEST FOR RETEST

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

RELEASE OF TEST RESULTS

Except where otherwise specifically required by law, employee drug testing results and records are maintained by the Franklin County, the drug testing laboratory, and the medical review officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation, or administrative proceedings arising from a positive drug test.

However, all employees will be required to execute a consent/release form permitting the Franklin County to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting Franklin County to review records of previous drug and alcohol testing information.

RETENTION OF RECORDS

All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing, or tampering with records. The following records will be maintained:

1. Records related to the collection process, including:
 - a. Collection logbooks, if used.
 - b. Documents relating to the random selection process.
 - c. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests.

- d. Documents generated in connection with decisions on post-accident drug and alcohol testing.
 - e. MRO documents verifying existence of a medical explanation of the inability an employee to provide adequate urine or breathe sample.
2. Records related to test results:
- a. The Franklin County's copy of the custody and control form.
 - b. Documents related to the refusal of any employee to submit to a test.
 - c. Documents presented by an employee to dispute the result of a test.
3. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
4. Records related to employee training:
- a. Training materials on drug use awareness and alcohol misuse, including a copy of the Franklin County's policy on prohibited drug use and alcohol misuse.
 - b. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training.
 - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion.
 - d. Certification that any training conducted under this part complies with the requirements for such training.
5. Copies of any annual MIS reports submitted to FTA.

The following records will be maintained for no less than five years: Records of verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, referrals to the substance abuse professional, and copies of annual MIS reports submitted to FTA.

The following records will be maintained for no less than two years: records related to the collection process and employee training.

The following records will be maintained for no less than one year: records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three (3) years after an accident.

EMPLOYEE EDUCATION AND TRAINING

Franklin County will provide written information in drug/alcohol use and treatment resources to safety-sensitive employees. Franklin County will provide one hour of training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.

EMPLOYMENT ASSESSMENT

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

EMPLOYEE ASSISTANCE PROGRAMS (EAP)

The County's EAP shall include:

1. Education and training for employees regarding drugs and alcohol.
2. Education and training for Supervisors regarding drugs and alcohol, including:
 - a. Effects and consequences of substance use on personal health, safety, and work.
 - b. Manifestations and behavioral causes that may indicate substance use.
 - c. Documentation of training provided.
3. A written statement on file and available at the Commission office outlining the EAP.

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

Leah Mansell
County Administrator
(256)332-8850
lmansell@hiwaay.net

INVESTIGATION/SEARCHES

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles which an employee brings on the Commission's property, lockers, work areas, desks, purses, briefcases, toolboxes, or other belongings, and at locations where County related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him/her. The Commission may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Drug Program Coordinator or his designee.

SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

Designated Franklin County Representative/Program Manager:

Name: Leah Mansell

Title: County Administrator

Address: P.O. Box 1028

Russellville, AL 35653

Telephone Number: (256)332-8850

SAMHSA Certified Laboratory

Name: CLR (Clinical Reference Laboratories)

8433 Quivira Road

Lenexa, KS 66214

Medical Review Officer:

Name: Dr. Neal Dash

Address: 546 Franklin Avenue

Massapequa, NY 11758

Substance Abuse Professionals

Primary SAP: Drew Jamieson, PhD, LMFT

Address: 218 West Alabama Street

Florence, AL 35630

Telephone Number: (256)764-3007

Backup SAP: Bradford Health Services

Address: 303 East College Street

Florence, AL 35630

Telephone Number: (256)760-0200

Franklin County Drug & Alcohol Abuse Policies and Procedures

SAFETY-SENSITIVE FUNCTIONS

- Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including but not limited to, chainsaws or weed eaters.
- Maintaining or repairing motor vehicles or heavy equipment, including but not limited to, bulldozers, tractors, and riding mowers.
- Driving or operating motor vehicles or heavy equipment as part of his/her job duties, including but not limited to, autos and trucks, or tractors and riding mowers for which licensure is not required by the State of Alabama.
- Operating tools that have the capacity to seriously injure the user or another person.
- Loading and unloading vehicles or heavy equipment.
- Any activity related to the safe operation of a mass transit system, including dispatching vehicles.
- Carrying any weapon or object that could reasonably be used as a weapon, including but not limited to, firearms, knives, machetes, blades, tasers, or batons.
- Answering emergency calls and/or directing the provision of emergency services.
- Providing emergency medical services.

SAFETY-SENSITIVE POSITIONS

All positions were reviewed for safety-sensitive duties, as defined in 49 CFR part 655, to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties. The following are some of the positions that have been determined to be safety-sensitive:

Some Safety-Sensitive Positions

Animal Control Officer
Animal Control Technician

Sheriff's Deputy (including Sergeants, Lieutenants, and Captains)
Jail Administrator
Chief Deputy
Courthouse Security Officers
Correction/Communication Officers

Solid Waste Manager
Solid Waste Superintendent
Solid Waste Foreman
Heavy Equipment Operator
Solid Waste Technician
Solid Waste Laborer

County Engineer
Graduate Registered Engineer Intern
Graduate Engineer Intern
Graduate CADD Technician

Certified Senior Bridge Inspector
Certified Bridge Inspector
Engineering Assistant I, II, III & IV
Licensed Herbicide Applicator
Construction Manager
Roadway Superintendent
Roadway Foreman
Crew Leader
Roadway Maintenance Technician
Shop Foreman
Certified Diesel Mechanic
Equipment Maintenance Technician I, II, & III

Courthouse Maintenance Supervisor
Custodian/Housekeep/Groundskeeper

And any others deemed by the County

Franklin County
Employee Receipt of Drug & Alcohol Abuse Policies and Procedures

Return this completed form to your immediate supervisor

Employee Name: _____
print

I hereby certify that I have received and will read this Drug and Alcohol Abuse Testing Policy. I understand that I will be held responsible for the content of the policy, and I agree to abide by drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the company's program administrator.

I understand that violation of this Policy may be grounds for immediate termination of my employment

This policy adheres to the Federal Transit Administration's mandated regulations for drug and alcohol testing.

Employee Signature: _____


Date Signed: _____

VIEWPOINT COMMERCIAL

It is on motion of Mr. Jason Miller, second by Mr. David Hester, unanimously ordered, adjudged and decreed by the Board to approve to participate the Viewpoint Project with Dennis Quaid about a commercial for Franklin County if all municipalities are in agreement to participate and split the \$23,300 cost.

ADJOURNMENT

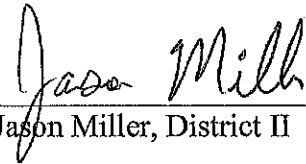
It is on motion of Mr. Joseph Baldwin, second by Mr. Jason Miller, that the meeting be adjourned.



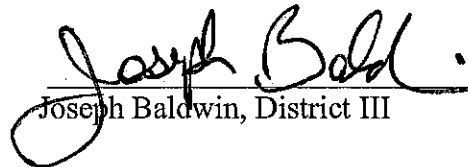
Barry Moore, Chairman

Absent

Chris Wallace, District I



Jason Miller, District II



Joseph Baldwin, District III



David Hester, District IV