

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 14 July 2016; 5:15 p.m.

REGULAR MEETING

Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, March 10, 2016 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Judy Pfeffer, Commissioner Kelly Ashley, Commissioner Robert Boone, Commissioner Victor McKay, and Mayor David Cartmell. Also present: City Manager Ray Young, Asst. City Manager Matt Wallingford, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Penny Stanfield, Projects Coordinator David Hord, Police Chief Ron Rice, Fire Chief Kevin Doyle, Asst. Comptroller/HR Director Karen Cracraft, Utility Manager Eddie Wenz, Tourism Director Suzie Pratt, Public Works Director Rick Truesdell, /Zoning Administrator George Larger, Building Official Wells, Codes Officer Nicole Jones, Main Street Director Caroline Reece, and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent, The Maysville Mercury, and WFTM.

MINUTES & DEPARTMENT REPORTS

Motion by Commissioner Boone, second by Commissioner McKay to approve the minutes of the June 9, 13, 27, and 29, 2016 City Commission minutes as well as department reports as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

PUBLIC COMMENT

There was no public comment.

APPOINTMENTS AND REAPPOINTMENTS

The Mayor made the following recommendations:

Peggy Crumb to Board of Adjustments, reappointment ending 7/31/2020
Michael Parker to Board of Adjustments, reappointment ending 7/31/2020
Joe Brannen to Planning & Zoning Commission, reappointment ending 7/31/2020
Travis Skaggs to Main Street Board, appointment ending 12/31/2019
Michael Jarjosa to Revolving Loan Fund Committee

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the appointments as recommended by the Mayor. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION CONSENTING TO CREATION OF SYRINGE EXCHANGE PROGRAM

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
RESOLUTION NO. 16-57**

**A RESOLUTION CONSENTING TO THE
CREATION OF A SYRINGE ACCESS EXCHANGE
PROGRAM BY BUFFALO TRACE DISTRICT
HEALTH DEPARTMENT**

WHEREAS, Kentucky suffers from an epidemic of heroin and other injection drug use as evidenced by the increases in all of the following: drug overdoses and untimely deaths, emergency room visits and hospitalizations due to heroin and other drug use, babies born to women with drug addiction, rates of communicable diseases, and law enforcement arrests and incarceration due to heroin and other drug possession and associated criminal activity and Mason County is experiencing increased rates of the same;

WHEREAS, needles, syringes, and other equipment for injection drug use can become contaminated with blood that contains hepatitis C, hepatitis B, and HIV and these viruses can be transmitted when such equipment is shared among injection drug users, and improper use and disposal places the public and first responders at risk for exposure;

WHEREAS, the Buffalo Trace District Health Department is statutorily mandated per KRS 211.180 to perform the duties of detection, prevention, and control of communicable diseases such as Hepatitis C and B and HIV and the Board of Directors of the such health department has determined that the implementation of a syringe access program helps fulfill this mandate;

WHEREAS, the Board of Directors of the Buffalo Trace District Health Department has considered research indicating that syringe access exchange programs advance public safety, protect the public health, provide an entry point for intravenous drug users to seek other health care, counseling or mental health services, and are cost effective interventions compared to treating HIV and Hepatitis C and other diseases associated with intravenous drug use;

WHEREAS, the Buffalo Trace District Health Department has further considered research indicating that syringe access programs have also been shown to NOT

encourage individuals to begin using drugs, nor increase drug use among existing users, nor increase crime in neighborhoods in which such a program operates;

WHEREAS, the Buffalo Trace District Health Department seeks the consent of the City of Maysville for the operation of a syringe access program within Maysville, Kentucky, in accordance with protocols established by such health department; and

WHEREAS, that based upon the recommendations of the Buffalo Trace District Health Department, the City of Maysville finds that a syringe access exchange program would reduce the risk of spreading infectious diseases through the availability of sterile drug injection equipment for the above stated reasons.

NOW THEREFORE, pursuant to the authority of KRS 218A.500, IT IS HEREBY RESOLVED by the City of Maysville, Kentucky, that consent is hereby granted to the Buffalo Trace District Health Department to operate a substance abuse treatment outreach program which allows participants to exchange hypodermic needles and syringes, together with other health care, counseling or mental health services which may be provided to such intravenous drug users participating in such program. Any program adopted pursuant hereto shall be implemented, managed and reviewed by the Buffalo Trace District Health Department.

Motion by Commissioner Ashley, second by Commissioner Boone to adopt Resolution 16-57. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RETIREMENT: POLICE DEPARTMENT

The following letter was presented to the Board of Commissioners:

Date: July 1, 2016
To: Maysville City Commission
Fr: Robbie D. Corns, Lieutenant
Re: Retirement

I would like to start by saying thank you to all the people I have had the privilege of working with over the past twenty years. I know that the people I have worked with, not just within the police department but throughout the city, have made me a better person, as well as a better police officer. I am proud of what I have been able to accomplish during my career, but am also very humble knowing that I owe so much to those people who helped me along the way.

I will retire August 1. Although I am very excited about a new beginning in my life, I am also somewhat nervous because I am leaving a position where I am comfortable and

people I am familiar with. This decision came after much consideration. I decided that it was time for a career change, so I began looking to other areas of interest. Shortly after I started my search an opportunity presented itself. I felt the best thing for my family and for myself was to accept this position.

I believe in my duties I have represented the City of Maysville and the Police Department well, and hope that I have reflected a positive image to those I have come in contact with.

Again thank you to all those I have been able to work with over the years, especially past and present members of the Maysville Police Department. If I can ever be of any assistance to anyone don't hesitate to contact me. May God bless each of you.

Sincerely,
Robbie D. Corns

Motion by Commissioner McKay, second by Commissioner Pfeffer to accept the retirement letter of Robbie D. Corns. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: FIRE DEPARTMENT

The following memorandum was presented to the Board of Commissioners:

To: City Manager Ray Young, Mayor Cartmell and City Commissioners
From: Fire Chief Kevin Doyle
RE: Silas Liess
Date: July 12, 2016

Silas Liess was among the candidates who completed the latest application process for the fire department. He is a certified EMT with the Kentucky Board of EMS and holds a CPAT certification a required for the position. Silas is an experienced volunteer firefighter and has worked hard to make himself an ideal candidate for this position. I recommend that Silas is appointed probationary firefighter for the City of Maysville.

Motion by Commissioner Ashley, second by Commissioner Boone to appoint Silas Liess to the position of probationary firefighter. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: COMMUNICATIONS COMMITTEE

Motion by Commissioner Boone, second by Commissioner Ashley to appointment Commissioner Ashley to the Communications Committee. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RETIREMENT: CITY MANAGER

The following memorandum was presented to the Board of Commissioners:

Memorandum

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: Retirement
Da: June 6, 2016

As we discussed in August of 2015, I plan on beginning my retirement from the City on Aug. 1, 2016.

Through my employment with the City, I have been able to build relationship throughout the state of Kentucky. For that I will be eternally grateful.

It has been a pleasure to serve the citizens of Maysville and to work along side so many dedicated employees, past and present, who come to work every day trying to make this city a better place to live.

Motion by Commissioner Ashley, second by Commissioner McKay to accept the City Manager's letter of retirement. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RECOMMENDATION: CITY MANAGER

The following memorandum was presented to the Board of Commissioners:

Memorandum

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: Matt Wallingford
Da: July 7, 2016

I am recommending that Matt Wallingford be promoted to City Manager effective Aug. 1, 2016.

Matt has been promoted to Assistant City Manager with the intent of him assuming the position of City Manager upon my retirement. You are all aware that I feel that Matt will do a wonderful job and now it is time to make the promotion official.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to appoint Matt Wallingford to the position of City Manager effective Aug. 1, 2016. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

DISCUSSION: PAVING LIST

Projects Manager David Hord informed the Board of Commissioners that he would be going out for bid on paving contracts Aug. 9, 2016.

RESOLUTION AUTHORIZING CONTRACT FOR FIBEROPTIC CABLE WITH AT&T

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-53**

RESOLUTION AUTHORIZING AT&T CONTRACT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with AT&T.

Motion by Commissioner Pfeffer, second by Commissioner McKay to adopt Resolution 16-53 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, and Commissioner McKay, Abstention: Mayor Cartmell, Motion passes.

RESOLUTION RENEWING COX BUILDING LEASE WITH KCTCS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-54**

**RESOLUTION RE LEASE RENEWAL WITH KENTUCKY COMMUNITY AND
TECHNICAL COLLEGE SYSTEM**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a lease renewal with Kentucky Community and Technical College System for a portion of the Cox Building for July 1, 2016 through June 30, 2017 for rent of \$1 per year.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 16-54 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, and Commissioner McKay and Mayor Cartmell, Abstention: Commissioner Boone, Motion passes.

RESOLUTION AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-55**

**RESOLUTION AUTHORIZING CONTRACT
WITH ROYAL BLUE ENTERTAINMENT**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Royal Blue Entertainment to provide entertainment for the Simon Kenton Festival.

Motion by Commissioner Boone, second by Commissioner Pfeffer to adopt Resolution 16-55. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION DECLARING SURPLUS PROPERTY

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-56**

RESOLUTION AUTHORIZING TRADE IN OF LINK BELT TRACKHOE

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Public Works Director and City Manager are hereby authorized to trade in the link belt track hoe on the purchase of a rubber tire loader.

Motion by Commissioner Boone, second by Commissioner Pfeffer to adopt Resolution 16-56 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner

Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION ADOPTING SUBSTANCE ABUSE POLICE

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-60**

RESOLUTION ADOPTING SUBSTANCE ABUSE POLICY

WHEREAS, the City of Maysville has had a substance abuse policy in effect for several years; and

WHEREAS, the City has reviewed the model Substance Abuse Policy prepared by Kentucky League of Cities and has combined the two policies in order to update the current policy;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the previous Substance Abuse Policy is repealed and the Substance Abuse Policy attached hereto is adopted in its entirety.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt Resolution 16-57 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION REATIFYING PLAT SIGNATURE

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-58**

RESOLUTION RATIFYING PLAT SIGNATURE

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the signature of the Mayor on the Plat for Lot 2, 3.341 acres, Martha Comer Drive, Maysville, Kentucky which lot is being transferred to Nelson Engineering Construction is hereby ratified.

Motion by Commissioner Pfeffer, second by Commissioner McKay to adopt Resolution 16-58 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner

Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING A WAIVER OF RIGHT OF FIRST REFUSAL ON VFW BUILDING

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 16-59**

**RESOLUTION AUTHORIZING WAIVER OF
RIGHT OF FIRST REFUSAL ON VFW PROPERTY**

WHEREAS, the deed from the City of Maysville to the Simon Kenton Post 2734, Veterans of Foreign Wars, recorded in Mason County Deed Book 146, page 536A gives the City of Maysville the right of first refusal; and

WHEREAS, Simon Kenton Post 2734, Veterans of Foreign Wars, has an offer on the building;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Waiver of Right of First Refusal for the property deeded to Simon Kenton Post 2734, Veterans of Foreign Wars, by deed recorded in Mason County Deed Book 146, page 536A.

Motion by Commissioner Ashley, second by Commissioner Boone to adopt Resolution 16-59 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ADJOURNMENT

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adjourn. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.


MAYOR


CITY CLERK

SECTION VIII – SUBSTANCE ABUSE POLICY

DRUG-FREE WORKPLACE ACT

Because the City of Maysville is the recipient of grants from federal agencies, the City and all its employees must comply with the provisions of the Drug-Free Workplace Act of 1988. The City of Maysville is in agreement with the provisions of the Act and it is the policy of the City that the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance (as defined in the Act and KRS 218A.020 and 218A.140) is prohibited at any and all places where employees of the City of Maysville perform their official duties (the "workplace").

As a condition of employment, employees must abide by the following policy provisions:

- A. The unlawful possession, distribution, manufacture, dispensation, or use of drugs, alcohol or intoxicants in the workplace is prohibited.
- B. Employees are prohibited from being under the influence of or using drugs and alcohol at the workplace or at any time they are on duty.
- C. Employees who are under the influence of lawful prescription drugs or over-the-counter drugs which may affect the safe performance of their duties must disclose the use of such drugs to their supervisor.
- D. Employees have a duty to notify the Human Resources Director within (5) days after they are convicted under a criminal drug statute for a violation taking place in the workplace. Within (10) days after such notice, the City will register notice of the conviction with the federal government. Any employees so convicted will be terminated.

Violation of this policy by any employee is grounds for immediate dismissal. If it is determined that the appropriate personnel action to be taken against an employee violating this policy is less than dismissal, such employee shall at a minimum be required to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

The City has established a drug-free awareness program and periodic educational programs will be presented to inform employees about the dangers of drug abuse in the workplace. Each employee will be given an employee handbook or document outlining the drug-free workplace policy. As a condition of employment, each employee shall abide by the terms of that statement.

Transit employees shall abide by the terms of the Transit Drug Policy.

POLICY

The City of Maysville has a vital interest in maintaining a safe, healthy, and productive working environment for its employees. Additionally, the City of Maysville has a duty to offer the public safe and reliable services. Such safety and reliability are essential to public confidence, employee productivity and morale, as well as the fiscal health and survival of the city.

Therefore, the following sets forth the City's policy regarding the use and abuse of drugs and/or alcohol by City employees. Though the City understands that employees with substance and alcohol abuse problems may need special assistance, it is the City's policy that no city employee may use or be under the influence of drugs or alcohol while in the workplace or on the job. It is also a violation of the City's policy to test positive, adulterate, or substitute a sample or refuse to take a drug or alcohol test. It is the City's firm commitment to maintain a drug-free workplace.

COVERED EMPLOYEES

Any individual who conducts business for the City, is applying for a position or is conducting business on the City's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to, elected officials, managers, department heads, and supervisors, full-time, part-time, temporary and seasonal employees. Our policy applies during all working hours.

DEFINITIONS

When referred to in this policy, these terms will be given the following meaning:

"Drugs" – Any controlled substances and prescription medication as listed, including but not limited to marijuana, cocaine, amphetamines, phencyclidine (PCP), opiates, synthetic opiates (Vicodin, Lortab, Dilaudid, Oxycontin, Percocet, Percondan & others), benzodiazepines (Valium, Xanax, Librium & others), barbiturates, methadone, propoxyphene (Darvon, Darvocet), and designer amphetamines (Ecstasy, X and others).

"Alcohol" – Ethyl alcohol and any beverage, mixture, or preparation containing ethyl alcohol. Impairment by alcohol shall be conclusive if a test reveals a blood alcohol level of 0.04% or above.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success rate of rehabilitation. The City's health insurance plan contains a level of care available for substance abuse treatment through an Employee Assistance Program (EAP) provided for employees as part of their health care coverage. The Employee Assistance Program can be reached by calling Comprehend, Inc at 606-564-4016.

Employees are strongly encouraged to voluntarily seek professional help through the Employee Assistance Program if they believe they, or a family member, might have a problem with drug or alcohol abuse. Employees should seek help prior to the problem becoming a safety issue in the workplace and prior to a random drug and/or alcohol test.

Our policy allows the use of accrued paid leave while seeking treatment for alcohol or drug problems. While treatment for dependency problems may be partially or fully covered by the employee health insurance benefits, the ultimate financial responsibility for recommended treatment belongs to the employee.

PRESCRIPTION AND OVER-THE-COUNTER MEDICATION

In the interest of protecting employees and the general public, employees must make sure that any prescription or over-the-counter medication taken will not adversely impact their job performance. While receiving a prescription medication or choosing an over-the-counter medication, it is the responsibility of the employee to understand all warning labels and side effects for the drug prior to use while in a working status. The employee should pay particular attention to labels indicating the drug may affect mental functioning, motor skills or judgment (including drowsiness or ability to operate a motor vehicle). It is highly recommended that the employee confer with his or her physician or pharmacist about their job duties while taking these drugs. It is the responsibility of the employee to notify his supervisor of any potential adverse side effects of either a prescription or OTC medication that may impair job performance and safety, prior to commencing work duties.

If any test administered under this policy reveals evidence of abuse of over-the-counter or prescriptive medication by the employee, appropriate disciplinary measures for the employee will be considered by the City, up to and including dismissal.

DRUG & ALCOHOL TESTING

Results of all drug and alcohol tests will be kept in a separate confidential medical file for each employee in the Human Resources office. Employees will be tested for drugs and/or alcohol under the following circumstances:

PRE-EMPLOYMENT: All new employees must pass a pre-employment drug screen after a conditional offer of employment or job offer is made. Applicants undergoing pre-employment testing shall not begin official duties with the City until test results are received and shown to be negative.

REASONABLE CAUSE: Reasonable cause shall be established when:

- A) (2) supervisors who are trained in the detection of drug and alcohol use can substantiate specific behavioral, performance, or physical indicators of probable drug or alcohol abuse. Supervisors may utilize the *Reasonable Suspicion Testing Checklist* form to determine necessity of testing for impairment.
- B) There is evidence that an employee has tampered with or adulterated a drug or alcohol test.
- C) A creditable report of drug or alcohol use from a reliable source is received.
- D) There is evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the City's premises or while operating the City's vehicles, machinery, or equipment.

All City employees who are reasonably suspected of using a drug prohibited by this policy shall be immediately tested. If alcohol use is reasonably suspected, a breathalyzer test will be administered to determine level of alcohol impairment.

POST-ACCIDENT: Drug and alcohol testing shall be administered following an employee's involvement in any accident or incident while on duty that requires off-site medical attention to be administered to themselves or another party. An accident not requiring medical attention, but resulting in \$500 or more of property damage shall also require post-accident drug and alcohol testing.

Exceptions to Post-Accident Testing:

- a.) Injuries that are cumulative or gradual – such as carpal tunnel syndrome, progressive hearing loss, skin rash, etc.
- b.) Injuries that the employee did not contribute to – ie, caused by a third party or other uncontrollable force such as weather, insects, or toxic plant
- c.) Injuries incurred during a physical fitness or training event

RANDOM: The names of all applicable employees shall be assembled into three anonymous pools as follows:

- a.) DOT for Commercial Drivers License: Employees required to hold a commercial drivers license (CDL) will be randomly tested at a rate of 25% annually for drugs and 10% annually for alcohol
- b.) DOT for Transit: Employees who drive transit buses or are otherwise included in this category will be tested randomly in accordance with current Dept of Transportation guidelines.
- c.) Safety Sensitive: Employees included are all Police and Fire Personnel, Communications, any employee that operates City equipment with moving parts (cutting, mowing, hydraulics, digging, etc), any employee that drives

City vehicles on a frequent and regular basis. Employees will be tested for drugs and/or alcohol up to 20% annually.

The random selection process shall be confidential, anonymous, and shall take place using a scientifically valid random number generation method. Employees who are selected and tested under this method will have their names placed back into their respective pool and will be subject to random testing during the same year. Testing may be performed at any time while the employee is on duty. Employees will remain in their respective pools and not be subject to additional random testing in another pool.

Employees who are in non-safety sensitive positions will not be included in any random selection pool. However, they are subject to pre-employment, post-accident, reasonable cause, and return to duty testing.

RETURN TO DUTY: Employees who have completed a substance and/or alcohol abuse treatment program requiring leave from work may be required to take a return to duty test when he or she returns to work. The City reserves the right to test any employee for drugs and or alcohol for twelve months after the employee returns to work from a treatment program, at any time during work hours.

Any employee who does not pass a drug test administered under this policy may submit a request within (7) days of the test results to have the original sample re-tested. Any employee who does not pass a breathalyzer test may request a second breathalyzer test be administered on the day of the original test. Re-testing is at the employee's expense.

TESTING PROCEDURES

The City, in concert with a designated medical review officer, a local collection site, and a medical testing lab certified by the U.S. Department of Health & Human Services, shall follow a strict and confidential protocol when testing city employees.

SELECTION: New applicants and employees selected for random testing shall deliver themselves to the designated collection site. Employees shall be informed of their selection for random testing during work hours. They will not be forewarned of their selection so that the random process is preserved. Employees who are selected for post-accident or reasonable cause testing shall be taken to the collection site by a City supervisory official.

COLLECTION SITE: The collection site is responsible for taking the required sample, splitting the original sample, fulfilling chain-of-custody procedures, and sending the secured samples to the designated testing lab.

The collection site and/or testing lab are responsible for confidentially notifying the Human Resources Director or designated city personnel of all positive and negative test results.

LAB PROCEDURES - URINE: The designated lab will receive the split sample and perform an immunoassay screen on the first specimen. A confirmatory Gas Chromatography / Mass Spectrometry (GC/MS) test will be performed on all positive immunoassay screens. All positive test results will be forwarded to the Medical Review Officer (MRO) for a final determination of whether the test is positive or negative. The lab will maintain the positive specimen should a re-test be requested by the employee.

LAB PROCEDURES – HAIR (ALTERNATE): If an employee is unable to comply with a urine test due to a bona fide medical condition, he or she must first attempt a urine test. If the test is incomplete or insufficient, then an alternate method such as hair test will be performed at the collection site. The specimen is collected under chain of custody and sent to the designated lab. The lab will perform the initial test (e.g. immunoassay) and any presumptive positive confirmed by a more specific method (e.g. GC/MS or LC/MS).

Written confirmation of the employee's medical condition by a physician must be on file with the Human Resources office prior to arrival at the testing site for this procedure to be performed.

MEDICAL REVIEW OFFICER: The City will utilize the services of a designated review officer who is a licensed physician with knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's medical history and any other relevant medical information. The MRO shall receive the results of all positive tests from the lab and verify that the lab report and assessment of the drug test results are reasonable. The MRO will then determine whether the individual passes a drug test with consideration of any legally prescribed medication the employee may be taking at the time.

DISCIPLINE

Employees who refuse to submit to the drug testing administered under this policy shall be subject to discharge. Test refusal shall be deemed any of the following:

- Refusing to provide specimen or submit to breathalyzer
- Tampering, adulterating, or substituting a specimen
- Failing to appear at the collection site within (1) hour of notification
- Failing to report a work-related injury on a timely basis with the intention of evading post-accident drug and alcohol testing
- Leaving the scene of an accident without just cause prior to submitting to a test
- Leaving the collection site prior to test completion
- Failure to cooperate with any part of the testing procedure

Employees who believe they have a substance abuse problem must disclose the problem to the Safety Director, Human Resources Director, supervisor, department head or City Manager before an on-the-job incident takes place, and before the employee is required to be tested under this policy.

If an employee discloses such a problem under the threat of an impending drug or alcohol test, such disclosure will be deemed involuntary and a bad faith attempt to evade discipline. If the employee refuses the test, the employee will be discharged.

Any employee whose behavior is inconsistent with the rules outlined in this policy, or whose conduct does not support the City of Maysville's commitment to a drug-free workplace shall be discharged from employment.