

DEPARTMENT: County Counsel/Personnel BY: Jeffrey G. Green PHONE: 209/966-3222

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ( ) No(X)

Adopt this resolution approving amended Mariposa County Policy for Implementation of Drug and Alcohol Testing (attached hereto as Exhibit A) and approving execution of Amended Carrier Agreement with DrugTech Toxicology Service (attached hereto as Exhibit B) to provide the required training and testing services.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:** Pursuant to Resolution 96-280, the Board adopted a Policy for Implementation of Drug and Alcohol Testing in compliance with final rules issued by the U.S. Department of Transportation to implement the Omnibus Transportation Employee Testing Act of 1991 relative to testing of operators of commercial motor vehicles for use, in violation of law or Federal regulation, of alcohol or a controlled substance. We have subsequently been advised by the Mass Transportation Program, Department of Transportation, State of California, that because Mariposa County is a sub-recipient of Federal Transit Act Section 5311 (formerly FTA Section 18) funding, safety-sensitive employees affected by those programs must also be included in our drug and alcohol testing program. The requested amended Policy and Carrier Agreement provide for this inclusion. Deletions are indicated by strike-through. The revisions, shown in boldface on the exhibits, reflect the additional federal rules and regulations applicable to this Policy.

The Amended Carrier Agreement with DrugTech reflects a continuing all-inclusive cost of \$8.00 per month per covered employee. Classifications added to Appendix A of the Policy affect 7 employees and will add an annual cost of \$672 increasing the contract liability to an annual total of \$2,976. No additional funds are being requested at this time. It is anticipated that payment will come from the respective budget professional services lines, and each department/division will pay for the employees in their division that are required to be tested in the pool.

The existing policy affects only Department of Public Works employees. The requested revision will affect both Public Works and Community Services employees. The equipment mechanics and the equipment mechanic supervisor are covered under both FHWA and FTA reporting requirements. The new employees covered are the Transit System Bus Drivers and the Medical Transportation Drivers in the Community Services Department. (These changes are shown on Appendix 1 of the requested revised policy.)

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do not approve these requested amendments. Mariposa County would be out of compliance with 49 CFR 653.81 and 654.81 - *Compliance as a Condition of FTA Financial Assistance.*

Make any changes to this amended Policy and Amended Carrier Agreement as deemed appropriate and necessary by the Board and provide direction to staff to proceed with implementation.

**COSTS:** ( ) Not Applicable  
 A. Budgeted current FY \$ 0  
 B. Total anticipated costs \$ 2,976  
 C. Required additional funding \$ 0  
 D. Internal transfers \$

**SOURCE:** ( ) 4/5ths Vote Required  
 A. Unanticipated revenues \$  
 B. Reserve for contingencies \$  
 C. Source description:  
 Balance in Reserve for Contingencies,  
 if approved: \$

**SPECIAL INSTRUCTIONS:**  
 List the attachments and number  
 the pages consecutively:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CLERK'S USE ONLY:**  
 Res. No.: 97-366 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
 Approved ( ) Denied  
 Minute Order Attached ( ) No Action Necessary

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
 This item on agenda as:  
 Recommended  
 Not Recommended  
 For Policy Determination  
 Submitted with Comment  
 Returned for Further Action

The foregoing instrument is a correct copy of  
 the original on file in this office.  
 Date: \_\_\_\_\_  
 ATTEST: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

Comment: \_\_\_\_\_  
 \_\_\_\_\_  
 A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: JEFF GREEN, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: AMENDED CARRIER AGREEMENT WITH DRUGTECH  
TOXICOLOGY SERVICE; RES. 97-366

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 9, 1997

ACTION AND VOTE:

Jeff Green, County Counsel;  
Resolution Amending Mariposa County Policy for Implementation of Drug and Alcohol  
Testing and Approving Execution of Amended Carrier Agreement with DrugTech  
Toxicology Service (Continued from 8/26/97)

**BOARD ACTION:** Jeff Green, County Counsel, advised of the concerns received from  
SEIU and he reviewed the modifications that he recommended be incorporated in the  
revised policy. (M)Balmain, (S)Reilly, Res. 97-366 adopted amending the Agreement  
with the recommended modifications/Ayes: Unanimous.

cc: All Department Heads  
File