



PERSONNEL COMMITTEE

August 4, 2016 – 12:15 P.M.

Personnel Committee Members

**Nadia Rajs, Chair
Scott Samuelson, Vice Chair
Alan Sorensen
Ira Steingart
Catherine Owens**

AGENDA

DEPARTMENTS:

1. Personnel
2. Risk Management and Insurance

DISCUSSION: None

RESOLUTIONS:

1. To Rescind Resolution No. 4 of 2015 Regarding the Residency Requirement Policy of Sullivan County.
2. To execute a negotiated Substance Abuse Testing Policy and Procedure as an Addendum to the Collective Bargaining Agreement between the County of Sullivan, the Sullivan County Sheriff and Sullivan County Patrolmen's Benevolent Association.
3. To authorize the County Manager to execute a Memorandum of Agreement with Teamsters Local 445, International Brotherhood of Teamsters.
4. To Reclassify Position No. 2824 Automotive Mechanic to the position of Master Mechanic in the Division of Public Works.
5. To abolish and create a position in the Treasurer's Office.
6. To reclassify Public Health Nursing Program Coordinator Position No. 982, to Supervising Community Health Nurse in the Public Health Services Department.

PUBLIC COMMENT:

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Joshua Potosek, County Manager

Re: Request for Consideration of a Resolution: Rescind Reso No. 507-08 and 4-15

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

TO RESCIND RESOLUTION NUMBER 507 OF 2008 AND 4 OF 2015 REGARDING
THE RESIDENCY REQUIREMENT POLICY OF SULLIVAN COUNTY

Is subject of Resolution mandated? Explain:

Does Resolution require expenditure of funds? Yes ___ No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ _____

Are funds already budgeted? Yes ___ No ___

If "Yes" specify appropriation code(s): _____

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County	\$ _____	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office:  _____

Does Resolution request Authority to Enter into a Contract? Yes ___ No ___

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [_____] of
[_____]

Nature of Other Party to Contract: Professional _____ Other: _____

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

N/A

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. ^{Assistant} Director of Purchasing: Angen Seuss Date 8/1/16
- B. Management and Budget: Janet Myers Date 8/3/16
- C. Law Department: [Signature] Date 8/3/16
- D. County Manager: [Signature] Date 8/3/16
- E. Other as Required: _____ Date _____

Vetted in Personnel Committee on 08/04/2016

**RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO RESCIND
RESOLUTION NUMBER 507 OF 2008 AND 4 OF 2015 REGARDING THE
RESIDENCY REQUIREMENT POLICY OF SULLIVAN COUNTY**

WHEREAS, there exists a Residency Requirement Policy for employees of the County as detailed in Resolution No. 4 of 2015, which amended Resolution No.507 of 2008, and

WHEREAS, the requirements contained in the existing Policy have had unintended consequences and have resulted in appointing authorities not being able to hire qualified staff in certain circumstances, and

WHEREAS, appointing authorities are required to make their best effort in hiring qualified County residents, but are not precluded from hiring an employee from outside the County borders.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 57 of 2008 and Resolution No. 4 of 2015 are hereby rescinded, and

BE IT FURTHER RESOLVED, that appointing authorities continue to be required to make their best effort in hiring qualified County residents, but are not precluded from hiring a person who is not a resident of the County, and

BE IT FURTHER RESOLVED, that nothing in this resolution supersedes existing New York State, the Charter or other local law regarding residency requirements for specific statutory positions.

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Joshua Potosek, County Manager

Re: Request for Consideration of a Resolution: To Execute Substance Abuse Testing Policy

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A NEGOTIATED
SUBSTANCE ABUSE TESTING POLICY AND PROCEDURE AS AN ADDENDUM
TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COUNTY OF
SULLIVAN, THE SULLIVAN COUNTY SHERIFF AND SULLIVAN COUNTY
PATROLMEN'S BENEVOLENT ASSOCIATION.

Is subject of Resolution mandated? Explain:

Does Resolution require expenditure of funds? Yes ___ No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ _____

Are funds already budgeted? Yes ___ No ___

If "Yes" specify appropriation code(s): _____

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County \$ _____ **Grant(s)** \$ _____

State \$ _____ **Other** \$ _____

Federal Government \$ _____ **(Specify)** _____

Verified by Budget Office: _____ 

Does Resolution request Authority to Enter into a Contract? Yes No ___

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [Sullivan County PBA] of
[_____]

Nature of Other Party to Contract: Professional _____ Other: _____

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)
N/A

Person(s) responsible for monitoring contract (Title): Lynda Levine

Pre-Legislative Approvals:

- A. ^{Assistant} Director of Purchasing: Angela Lewis Date 8/1/16
- B. Management and Budget: Jane Myers Date 8/3/16
- C. Law Department: Ch... Date 8/3/16
- D. County Manager: Jill Reed Date 8/3/16
- E. Other as Required: _____ Date _____

Vetted in Personnel Committee on 08/04/2016

RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A NEGOTIATED SUBSTANCE ABUSE TESTING POLICY AND PROCEDURE AS AN ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COUNTY OF SULLIVAN, THE SULLIVAN COUNTY SHERIFF AND SULLIVAN COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION.

WHEREAS, the County of Sullivan ("County") and the Sullivan County Sheriff ("Sheriff") have negotiated a Collective Bargaining Agreement ("CBA") with the Sullivan County Patrolmen's Benevolent Association ("PBA") for the term ending on December 31, 2017; and

WHEREAS, there was a need to negotiate an updated Substance Abuse Testing Policy and Procedure for members of that bargaining unit employed in the Sullivan County Sheriff's Office; and

WHEREAS, negotiations conducted pursuant to the provisions of Article 14 of the New York State Civil Service Law (Public Employees Fair Employment Act) have resulted in a new Substance Abuse Testing Policy and Procedure which shall become Attachment "C" to the aforementioned CBA.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute the aforementioned Substance Abuse Testing Policy and Procedure which shall be attached to the current Collective Bargaining Agreement between the County of Sullivan, the Sullivan County Sheriff and the Sullivan County Patrolmen's Benevolent Association as Attachment "C" thereto and made a part thereof.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2015.

ATTACHMENT "C"

SUBSTANCE ABUSE TESTING POLICY AND PROCEDURE

POLICY

- 1.1 To ensure the integrity of the Sullivan County Sheriff's Office and to preserve public trust and confidence in a fit and drug free law enforcement profession, the Sullivan County Sheriff's Office shall implement a drug testing program to detect prohibited drug use by employees employed in the Sullivan County Sheriff's Office.
- 1.2 Any sworn bargaining unit member ("employee") employed in the Sullivan County Sheriff's Office who subsequently tests positive, and/or fails to comply with the following procedures, shall be subject to disciplinary action pursuant to Section 75 of the Civil Service Law.

DEFINITIONS

- 2.1 Drug Test. The compulsory production and submission of urine by an employee for chemical analysis to detect prohibited drug usage.
- 2.2 Random Drug Test. A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs which utilizes a statistically random sampling based upon neutral criterion referenced in paragraph 3.2.1.
- 2.3 Reasonable Suspicion. A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.
- The decision to test for reasonable suspicion must be based on a reasonable and articulated belief that the employee is under the influence of drugs. This belief shall be based on recent, physical, behavioral, or performance indicators of possible drug use.
- The Sheriff, Undersheriff or Chief of Patrol, upon making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing within 24 hours of the decision to test and before the results of the urine drug tests are received.
- 2.4 Shift. A shift is the tour of duty that an employee is scheduled to work. It does not include overtime. The shifts to be used in the random selection process are either

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Shift "1" which is 8:00 AM – 8:00 PM or Shift "2" which is 8:00 PM – 8:00 AM. 12 hour employees assigned to a modified shift with a different starting time will be deemed to be working the shift that the majority of their work hours fall into. 8 hour employees will be deemed to be working the 12 hour shift that the majority of their work hours fall into. For the purpose of this section, an 8 hour employee working the 4:00 PM – 12:00 AM shift is assigned to Shift "1" and an 8 hour employee working a 12:00 AM – 8:00 AM shift is assigned to Shift "2".

RULES

- 3.1 Prohibited Activity. It is the policy of the Sullivan County Sheriff's Office that the use of illegal drugs or the improper use of prescription drugs or alcohol by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited, and/or illegal conduct will lead to disciplinary procedures as outlined herein. Prohibited and/or illegal conduct includes but is not limited to:
- 3.1.1 Being on duty or performing work while under the influence of drugs and/or alcohol;
 - 3.1.2 Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty;
 - 3.1.3 Refusing or failing a drug and/or alcohol test administered under this policy;
 - 3.1.4 Providing an adulterated, altered, or substituted specimen for testing;
 - 3.1.5 Use of alcohol within four hours prior to reporting for duty on a schedule tour.
 - 3.1.6 The Sheriff's Office will determine as soon as possible whether or not an employee's involvement in an accident (incident) is a contributing factor to the cause of the accident (incident). The employee will remain on the employer's premises until this determination has been made.
 - 3.1.7 No employee shall illegally possess any controlled substances.
 - 3.1.8 No employee shall ingest any controlled or other dangerous substances, unless as prescribed by a licensed medical practitioner.

- 3.1.9 No employee shall ingest any prescribed medication in amounts beyond the recommended dosage.
- 3.1.10 An employee who, while in the performance of duty, intentionally ingests or is made to ingest a controlled substance shall immediately report the incident to the Sheriff, Undersheriff or Chief of Patrol, so that appropriate medical steps may be taken to ensure the employee's health and safety. Additionally, the incident will be reported pursuant to the procedure for reporting an "on-duty" injury.
- 3.1.11 An employee shall notify administration when required to use prescription medicine, which has the potential to impair job performance. The employee shall advise administration of the known side effects of such medication and the prescribed period of use. The member of administration shall document this information through the use of an internal memorandum and maintain this memorandum in the medical file of the personnel involved.
- 3.1.12 An employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance shall immediately report the facts to the Sheriff or his representative.
- 3.1.13 This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.
- 3.1.14 In order to educate the employees about the dangers of drug and/or alcohol abuse, the Sheriff's Office shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the policy regarding drugs and/or alcohol; and the availability of counseling.

DRUG TESTING

- 3.2 Employee Drug Testing. Employees of the Sullivan County Sheriff's Office will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use as provided below:

- 3.2.1 The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' social security numbers, payroll identification numbers or other comparable identifying numbers or by shift. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.
- 3.2.2 Random drug tests shall not be administered more than one time per month for a maximum total of twelve random tests per calendar year. Paragraphs 3.2.1 and this paragraph shall not apply to probationary employees referenced in paragraph 3.3.
- 3.2.3 An employee selected for random testing, the employee's first line supervisor, and a union representative shall be notified the same day the test is scheduled, preferably, within one-half hour (1/2) hour of the scheduled testing. The timing of such tests shall take place during the employees regularly scheduled tour of duty.
- 3.3 Probationary Employee Drug-Testing. A newly hired probationary employee may be required to submit to non-random testing until the probationary period is successfully completed. Such tests shall not exceed 12 times during the probationary period.
- 3.4 Intentionally Omitted.
- 3.5 Drug-Testing Procedures. The testing procedures and safeguards provided herein to ensure the integrity of the Sullivan County Sheriff's Office Drug-Testing Program shall be adhered to by any persons administering drug tests. Throughout all aspects of these procedures, every reasonable effort must be made to ensure the dignity and privacy of the employee. All reasonable efforts shall be made to avoid public attention and these procedures shall be carried out as discreetly as reasonably possible.
- 3.5.1 Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area. A pre-test questionnaire shall be completed by each employee in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result. The employee will be required to sign a medical release of information form in the event that a

physician must be contacted for clarification or verification of legal drug use.

- 3.5.2 The bathroom facility of the testing area for a urine sample shall be private and secure. Authorized testing personnel shall search the facility before an employee enters it to produce a urine sample, and document that it is free of any foreign substances.
- 3.5.3 Personnel conducting the test shall be the same sex as the employee, shall be present and shall observe production of the urine sample.
- 3.5.4 Where the employee is unable to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form. The employee shall be permitted no more than four (4) hours to give a sample, during which time said employee shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug-test.
- 3.5.5 Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel. The employee must produce the second sample within four hours.
- 3.5.6 Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure that the results match the tested specimen. Samples shall be stored in a secured area until tested or delivered to the testing lab representative.
- 3.5.7 All employee's samples shall be split and stored in all cases. The samples must be provided at the same time and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall be secured in valid storage. If the results of the original test are positive, the employee may within ten (10) calendar days of the employee's written notification of the positive test, elect to have the remaining specimen tested by a laboratory of his choice licensed under Section five Hundred seventy-five (575) of the New York State Public Health Law for testing by Gas Chromatography, with mass spectrometry or an equivalent scientifically accepted method. The employee shall be responsible for the cost of the split sample test unless that test shows a negative result.

In the event that the second drug test, requested by the employee, is returned with negative results, the first drug test which indicated a positive result, would be negated.

Chain of Custody Documentation shall be maintained by the vendor conducting

the drug test. A copy of the laboratory report of such test will be provided to the employee and Sheriff. If an employee does not reply within this time frame, the confirming test will be performed by the original testing laboratory.

- 3.5.8 Each step in the collection and processing of the specimens shall be documented to establish procedural integrity and the chain of custody specific procedures may be promulgated by the Sheriff to insure compliance.
- 3.6.1 The sample first shall be tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending" until the confirmation test results are obtained.
- 3.6.2 A specimen testing positive will undergo an additional confirmatory test.
- 3.6.3 The drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroine, amphetamines, steroids and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures. Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial drug screening test:

Initial Test Level (na/ml)

Marijuana Metabolite.....	100 or 50 *
Cocaine Metabolite	300
Opiate Metabolite	300 **
Phencyclidine.....	25
Amphetamines.....	1000

*= Dependent upon laboratory set-up

** = 15 ng/ml if immunoassay specific for free morphine

- 3.6.4 Concentration of drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive using a technologically different initial screening method:

Confirmatory Test

	Level (ng/ml)
Marijuana Metabolite.....	15 (1)
Cocaine Metabolite.....	150 (2)
Opiates	
Morphine.....	300
Codeine.....	300
Phencyclidine.....	25
Amphetamines	
Amphetamine	500

- 1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- 2) Benzoyllecgonine

- 3.7.1 All records pertaining to required drug tests shall remain confidential, and shall not be provided to other employees or agencies without the written permission of the person whose records are sought or pursuant to a lawful subpoena.
- 3.7.2 All drug testing information and or medical information obtained through these procedures and specifically relating to employees is confidential and should be treated as such by anyone authorized to review or compile such records. In order to efficiently implement this procedure and to make information readily retrievable, the Sheriff shall maintain all records relating to drug testing on County property in a secure area. In all circumstances relating to an employee's drug test results and records, only the Sheriff, Undersheriff, Chief of Patrol, Director of Personnel and County Attorney shall have access to them.
- 3.7.3 An employee who breaches the confidentiality of testing information shall be subject to discipline.
- 3.7.4 Test question sheets shall be shredded upon receipt of negative test results.

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LIMITED AMNESTY REHABILITATION PROGRAM

- 4.1 Treatment/Rehabilitation Encouraged. Members of the Sullivan County Sheriff's Office who have a drug abuse or addiction problem are hereby encouraged to seek treatment and rehabilitation from any available EAP program. Participation in such a program shall be without fear of any discipline or discharge penalties provided, and it shall not constitute reasonable suspicion for purposes of §2.3 hereof.
- 4.1.1 Entry and participation in such treatment and rehabilitation must occur prior to the employee selection for random drug testing, selection for reasonable suspicion, or post-incident testing.
- 4.1.2 An employee's refusal to participate in any material aspect of the subject EAP counseling/rehabilitation program or a failure to complete counseling and testing as may be required by the EAP, and referral agency, doctor, or counselor, shall be cause for disciplinary proceedings pursuant to Civil Service Law Section 75.
- 4.1.3 The employee must sign any and all releases and/or waivers so as to allow the County to ensure the employee participation in the counseling/rehabilitation program. Information acquired by the County shall be viewed by only those in a need to know status, and shall be filed separately from the employee's medical file. In all other respects, the employee's right to confidentiality shall be respected.
- 4.1.4 Confirmed Positive Test Result: A positive drug test result and the confirmation of a positive drug test result following completion of any treatment/rehabilitation program may result in disciplinary proceedings under the provisions of this policy.

ALCOHOL TESTING

- 5.0 An employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees may be required to submit to alcohol testing under the following conditions:
- A. Types of Tests
1. Post-Accident/Post-Incident Testing
- Following any work-related accident (incident) determined by supervisory personnel to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing



factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation may be tested for alcohol.

a. Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to Employer appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of Signatory Employer and shall result in termination of employment.

2. Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulated belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use.

The Sheriff, Undersheriff or Chief of Patrol, upon making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing within twenty-four (24) hours of the decision to test and before the results of the tests are received.

3. Return-to-Duty and Follow-Up

Before any employee who has violated the prohibited alcohol conduct standards is allowed to return to work, he must complete a rehabilitation program deemed acceptable by the Sullivan County, pass a return to duty alcohol test, and comply with additional unannounced random testing and at least six tests will be conducted in the first 12 months after the employee returns to work. Follow up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

B ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the Sheriff's Office shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA) or such other agency as required by law.

Alcohol testing is to be performed by a qualified technician as follows:

Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device (alcho-sensor or similar) approved by the National Highway Traffic Safety Administration (NHTSA) or such other agency designated by law. If the measured result is 0.029 percent or less breath alcohol level (BAL), the test shall be considered negative. If the result is equal to 0.030 percent BAL, or greater, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

Step Two:

Twenty minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test of Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device (Datamaster DMT or similar) registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that

instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in disciplinary action pursuant to Section 75 of the Civil Service Law.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee, when possible.

The provisions of 3.7.1, 3.7.2 and 3.7.3 shall apply to alcohol testing.

The above substance abuse testing policy is agreed to this 13th day of July, 2016, by:

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Joshua Potosek, County Manager

Re: Request for Consideration of a Resolution: TO AUTHORIZE MOA with Teamsters Local 445

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH TEAMSTERS LOCAL 445, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Is subject of Resolution mandated? Explain:

Does Resolution require expenditure of funds? Yes No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ 16,800.00

Are funds already budgeted? Yes No

If "Yes" specify appropriation code(s): A7610-88-10-1011 and A6293-10-1011

If "No", specify proposed source of funds: Budget Modification Needed

Estimated Cost Breakdown by Source:

County	\$ <u>16,800.00</u>	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office: _____

Does Resolution request Authority to Enter into a Contract? Yes No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [Teamsters Local 445] of
[_____]

Nature of Other Party to Contract: Professional _____ Other: _____

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)
N/A

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. ^{Assistant} Director of Purchasing: Cyril Lewis Date 8/1/16
- B. Management and Budget: Janet Myers Date 8/3/16
- C. Law Department: [Signature] Date 8/3/16
- D. County Manager: [Signature] Date 8/3/16
- E. Other as Required: _____ Date _____

Vetted in Personnel Committee on 08/04/2016

RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH TEAMSTERS LOCAL 445, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

WHEREAS, the County of Sullivan (“County”) and Teamsters Local 445, International Brotherhood of Teamsters (“Teamsters” or “Union”), are parties to a Collective Bargaining Agreement (“Agreement”) for the term January 1, 2013 through December 31, 2017; and

WHEREAS, the implementation of the County’s new travel policies and procedures, in conformance with IRS Regulations, has had unintended consequences for the drivers involved with the Meals on Wheels Program through the Office of the Aging; and

WHEREAS, this County is committed to ensuring that the Meals on Wheels program continues so that homebound seniors continue to receive these necessary services; and

WHEREAS, the County and Union have agreed to offer a stipend to those County employees who regularly use their own vehicles in the delivery of these services as follows:

Individuals employed in the title of Chauffeur RPT or Chauffeur/Floater in the Office of the Aging or Senior Community Services Employment Program Worker in the Center for Workforce Development Office, who are regularly driving for the Meals on Wheels Program as a function of their regular job duties, shall receive a stipend of \$300 per month, which stipend shall not be added to their base salary. The effective date for this stipend is May 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager to execute the Memorandum of Agreement with the Teamsters Local 445, International Brotherhood of Teamsters, attached hereto as Schedule “A”.

Moved by:

Seconded by:

“Schedule A”

MEMORANDUM OF AGREEMENT

By and between

The County of Sullivan

And

Teamsters Local 445,

International Brotherhood of Teamsters

WHEREAS, the County of Sullivan (“County”) and Teamsters Local 445, International Brotherhood of Teamsters (“Teamsters” or “Union”), are parties to a Collective Bargaining Agreement (“Agreement”) for the term January 1, 2013 through December 31, 2017; and

WHEREAS, the implementation of the County’s new travel policies and procedures, in conformance with IRS Regulations, has had unintended consequences for the drivers involved with the Meals on Wheels Program through the Office of the Aging; and

WHEREAS, this County is committed to ensuring that the Meals on Wheels program continues so that homebound seniors continue to receive these necessary services; and

WHEREAS, the County and Union have agreed to offer a stipend to those County employees who regularly use their own vehicles in the delivery of these services as follows:

Individuals employed in the title of Chauffeur RPT or Chauffeur/Floater in the Office of the Aging or Senior Community Services Employment Program Worker in the Center for Workforce Development Office, who are regularly driving for the Meals on Wheels Program as a function of their regular job duties, shall receive a stipend of \$300 per month, which stipend shall not be added to their base salary. The effective date for this stipend is May 2016.

Agreed to this ____ August, 2016

For Sullivan County:

For Teamsters:

Joshua Potosek
County Manager

Jerry Ebert
Business Agent, Teamsters Local 445

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Edward McAndrew, Commissioner

Re: Request for Consideration of a Resolution: Reclassify Position in DPW

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

TO RECLASSIFY POSITION NO. 2824 AUTOMOTIVE MECHANIC TO THE POSITION OF MASTER MECHANIC IN THE DIVISION OF PUBLIC WORKS

Is subject of Resolution mandated? Explain:

Does Resolution require expenditure of funds? Yes No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ 2,657.00

Are funds already budgeted? Yes No

If "Yes" specify appropriation code(s): CL8160-10-1011

If "No", specify proposed source of funds: Budget Mod Needed

Estimated Cost Breakdown by Source:

County	\$ <u>2,657.00</u>	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office: 

Does Resolution request Authority to Enter into a Contract? Yes No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with _____ of _____

Nature of Other Party to Contract: .

Other:

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

_____ N/A _____

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- Assistant*
A. Director of Purchasing: *Angon Sew* Date *8/1/16*
B. Management and Budget: *Janet Myers* Date *8/3/16*
C. Law Department: *Chloe* Date *8/3/16*
D. County Manager: *J.P. Brown* Date *8/3/16*
E. Other as Required: _____ Date _____

Vetted in Personnel Committee on 08/04/2016

RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY POSITION NO. 2824 AUTOMOTIVE MECHANIC TO THE POSITION OF MASTER MECHANIC IN THE DIVISION OF PUBLIC WORKS

WHEREAS, there is currently a position in the Division of Public Works designated as an Automotive Mechanic, and

WHEREAS, the Commissioner of Public Works has advised that some of the duties assigned to this person position number 2824 are above the current title of Automotive Mechanic, and

WHEREAS, the County Manager, Commissioner of Public Works and Personnel Officer recommend that the title be reclassified to Master Mechanic, which encompasses the current duties and meets the needs of the division.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the reclassification of position number 2824 in the Division of Public Works from an Automotive Mechanic to a Master Mechanic effective January 1, 2016, with a salary set in accordance with the provisions of the Laborers' International Union of North America Local No. 17 Collective Bargaining Agreement.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Nancy Buck, Treasurer

Re: Request for Consideration of a Resolution:

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

To abolish the Principal Account Clerk position number 2813 and create a Junior Accountant in the County Treasurer's Office.

Is subject of Resolution mandated? Explain:

Does Resolution require expenditure of funds? Yes No

If "Yes", provide the following information:

Amount to be authorized by Resolution: \$ 13,377

Are funds already budgeted? Yes No

If "Yes" specify appropriation code(s): A1325-14

If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County	\$ <u>13,377.00</u>	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

Verified by Budget Office: Janet Myers

Does Resolution request Authority to Enter into a Contract? Yes No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [_____] of
[_____]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No ___

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): _____

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): _____

Efforts made to find Less Costly alternative:

Efforts made to share costs with another agency or governmental entity:

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

_____ *N/A* _____

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. ^{Assistant} Director of Purchasing: Angela Lewis Date 8/1/16
- B. Management and Budget: Janet Myers Date 8/3/16
- C. Law Department: [Signature] Date 8/3/16
- D. County Manager: [Signature] Date 8/3/16
- E. Other as Required: _____ Date _____

Vetted in Personnel Committee on 08/04/2016

**RESOLUTION INTRODUCED BY THE PERSONNEL COMMITTEE TO ABOLISH
AND CREATE A POSITION IN THE TREASURER'S OFFICE**

WHEAREAS, the Treasurer has requested that a position within the office be abolished and a new position be created and

WHEAREAS, the new position being created will allow for the continued functionality within the office and was approved and included in the 2016 County Budget, and

WHEAREAS, the Personnel Officer has determined that the new position complies with Civil Service rules and regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes abolishing position number 2813 Principal Account Clerk and creating a new position Junior Accountant in the Treasurer's Office with a salary set in accordance with the provisions of the Teamsters Collective Bargaining Agreement.

**COMBINED: LEGISLATIVE MEMORANDUM,
CERTIFICATE OF AVAILABILITY OF FUNDS
AND RESOLUTION COVER MEMO**

To: Sullivan County Legislature

Fr: Nancy McGraw, Public Health Director

Re: Request for Consideration of a Resolution: To reclassify a position

Date: July 27, 2016

Purpose of Resolution: [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

Reclassification of PHN Program Coord. position #4050.982 to Supervising Community Health Nurse will meet the responsibilities and demands of the Diagnostic and Treatment Program. This upgrade will ensure adequate oversight plus the availability of regular supervision, training and support of the nursing as well as the support staff for consistency in providing quality services and protection of the public health of the community.

Is subject of Resolution mandated? Explain:

Yes; the responsibilities of this program include communicable disease surveillance and control activities, health emergency response planning and strategic preventive health
This position is critical to ensure adequate management & supervision in this department.

Does Resolution require expenditure of funds? Yes No

If "Yes, provide the following information:

Amount to be authorized by Resolution: \$ 117,648.00

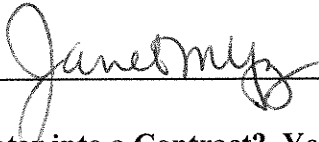
Are funds already budgeted? Yes No

If "Yes" specify appropriation code(s): A4050-10-1011-1013 & 1015; A4050-80-8001-8007

If "No", specify proposed source of funds: Additional Salary required will

Estimated Cost Breakdown by Source: be covered by vacant positions

County	\$ <u>26,604.00</u>	Grant(s)	\$ _____
State	\$ <u>22,160.00</u>	Other	\$ _____
Federal Government	\$ <u>68,884.00</u>	(Specify)	_____

Verified by Budget Office: _____ 

Does Resolution request Authority to Enter into a Contract? Yes No

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [_____] of [_____]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From _____ To _____

Is this a renewal of a prior Contract? Yes ___ No

If "Yes" provide the following information:

Dates of prior contract(s): From _____ To _____

Amount authorized by prior contract(s): _____

Resolutions authorizing prior contracts (Resolution #s): N/A

Future Renewal Options if any:

N/A

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes ___ No ___ N/A

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

N/A

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): N/A

Efforts made to find Less Costly alternative:

N/A

Efforts made to share costs with another agency or governmental entity:

N/A,

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

N/A

Person(s) responsible for monitoring contract (Title): N/A for contract; Public Health Director
will supervise this employee.

Pre-Legislative Approvals:

- A. ^{Assistant} Director of Purchasing: Cayson Lewis Date 7/28/16
- B. Management and Budget: Janetmy Date 8/3/16
- C. Law Department: [Signature] Date 7/28/16
- D. County Manager: [Signature] Date 8/3/16
- E. Commissioner: [Signature] Date 7/27/16

Vetted in _____ Committee on _____

RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO RECLASSIFY PUBLIC HEALTH NURSING PROGRAM COORDINATOR POSITION NO. 982, TO SUPERVISING COMMUNITY HEALTH NURSE IN THE PUBLIC HEALTH SERVICES DEPARTMENT

WHEREAS, Due to the growing demands on the Diagnostic and Treatment Program, the Sullivan County Public Health Department needs to ensure adequate oversight and the availability of regular supervision, training and support of the nursing and support staff to ensure the quality of services and protection of public health,

WHEREAS, the responsibilities and demands of the Diagnostic and Treatment Program include communicable disease surveillance and control activities, health emergency response planning and strategic preventive health education planning and activities for the public,

WHEREAS, the reclassification of the current position no. 982 of Public Health Nursing Program Coordinator to Supervising Community Health Nurse is critical to creating an adequate management and supervisory infrastructure in the department

WHEREAS, the Personnel Director has qualified the incumbent for the position of Supervising Community Health Nurse,

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the reclassification of the position of Public Health Nursing Program Coordinator position no. 982 to Supervising Community Health Nurse; and the salary will be set according to the current NYSNA Salary Schedule.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.