



AGENDA PACKET

FOR

OCTOBER 12, 2020

REGULAR MEETING

OF THE

YANCEY COUNTY BOARD OF COMMISSIONERS



AGENDA
YANCEY COUNTY BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING
OCTOBER 12, 2020
6:00 PM

- I. Call to Order – Chairman Jeff Whitson**
- II. Invocation and Pledge of Allegiance to the Flag**
- III. Approval of the Agenda**
- IV. Consent Agenda**
 - a. Approval of September 14, 2020 Regular Meeting Minutes**
 - b. Approval of September 15, 2020 Special Meeting Minutes**
 - c. Approval of October 5, 2020 Special Meeting Minutes**
 - d. Approval of *Revised* Home & Community Care Block Grant (HCCBG) Agreement**
 - e. Approval of YCTA Updated Drug and Alcohol Policies**
 - f. Bid Tabulation and Award Recommendation for Cane River Park - Informational**
 - g. September 2020 Tax Collection Reports – Informational**
- V. Appointment**
 - a. Yancey County Joint Community Advisory Committee**
- VI. 2020 Community Development Block Grant**
 - a. PUBLIC HEARING**
 - b. RESOLUTION**
- VII. Chamber of Commerce New Director – Christy Jones**
- VIII. 2020 Census Update – Karin Rolett & Lisa Shultz**
- IX. Comprehensive Transportation Plan Update Socio-Economic Data Forecasting Methodology– David Graham**
- X. Mayland Community College Budget – Dr. John Boyd**
- XI. Burnsville Rotary Club “Flags for Heroes” Project – Ed Seel**
- XII. County Manager’s Report – Lynn Austin**
 - a. Project Updates**
- XIII. County Commissioners’ Report**
- XIV. Public Comments**
- XV. County Attorney’s Report – Donny Laws**
- XVI. Closed Session**
- XVII. Adjourn**



CONSENT AGENDA ITEMS

Description

The consent agenda presented for October 2020 Regular Meeting includes the following for review and approval:

- Approval of September 14, 2020 Regular Meeting Minutes
- Approval of September 15, 2020 Special Meeting Minutes
- Approval of October 5, 2020 Special Meeting Minutes
- Approval of Revised Home & Community Care Block Grant (HCCBG) Agreement
- Approval of YCTA Updated Drug and Alcohol Policies – Updated policies for employees and pre-employment practices.
- Bid Tabulation and Award Recommendation for Cane River Park - Informational
- September 2020 Tax Collection Reports – Informational

Item Presenter

Board Action Requested

Approve the Consent Agenda Items

Minutes of the September 14, 2020
Regular Meeting of the Yancey County Board Of Commissioners
Held at 6:00 pm in the Yancey County Courtroom
Yancey County Courthouse, Burnsville North Carolina

Present at the meeting held September 14, 2020 were Chairman Jeff Whitson, Commissioner David Grindstaff, Commissioner Jill Austin, Commissioner Johnny Riddle, Commissioner Mark Ledford, County Manager Lynn Austin, County Finance Officer Brandi Burleson, and Clerk to the Board Sonya Morgan. Members of the media and the general public attended the meeting.

Call to Order

Chairman Whitson called the meeting to order and welcomed those in attendance.

Invocation and Pledge of Allegiance to the Flag

Commissioner Ledford delivered the invocation. Commissioner Riddle led the Pledge of Allegiance to the Flag.

Approval of the Agenda

Chairman Whitson asked for a motion to approve the agenda. Commissioner Grindstaff made a motion to approve the agenda. Commissioner Riddle seconded the motion. By unanimous vote the agenda was approved. (Attachment A)

Consent Agenda

Chairman Whitson read through the items on the consent agenda as follows:

- Approval of August 10, 2020 Regular Meeting Minutes
- Approval of Amended Capital Project Ordinance for Ray Cort Park Renovations (Attachment B)
- Approval of Chief Deputy's Request to Present Badge & Service Weapon to Retiring Law Enforcement Officer Wes Presnell (Attachment C)
- Approval of Contract with High Country Council of Governments for Provision of 911 GIS System Services & Support (Attachment D)
- Dogwood Health Trust Grant Amendment for Census 2020 Participation – Informational (Attachment E)
- Release of Funds (ARC NC-19097) for East Yancey Water & Sewer System – Informational (Attachment F)
- August 2020 Tax Collection Reports – Informational (Attachment G)

Chairman Whitson asked for a motion to approve the items on the consent agenda. Commissioner Ledford made a motion to approve the consent agenda, which was seconded by Commissioner Grindstaff. By unanimous vote the consent agenda was approved.

SEARCH Update on 2020 Census Project

Lisa Shultz with the non-profit group SEARCH addressed the Board and gave an update on the 2020 Census Project and the group's efforts to increase participation. Ms. Shultz emphasized the importance of the census in receiving funding for the county. She reported that as of September 11, 2020 Yancey County had a 49.8% participation rate, which exceeded the rate of the 2010 census, and indicated if the rate increased to 50.2% the county would receive an additional \$2,000 in grant funds. Ms. Shultz reported participation in the Census was being promoted through newspaper ads, radio website ads, Facebook posts, and distribution of posters and rack cards to various places throughout the community and reported verbal radio announcements were forthcoming. County Manager Austin expressed her appreciation to the SEARCH group for their efforts in the census project. Chairman Whitson thank Ms. Shultz, Ms. Rolett, and SEARCH for all of the work they do in the community, which was reiterated by Commissioner Riddle.

County Manager's Report

County Manger Austin began her report by presenting the NC Dept. of Agriculture Watershed Restoration Project contract. (Attachment H) County Manager Austin recognized Jeff Howell, who addressed the Board regarding the project. Mr. Howell reported that the \$273,000 in funding would be used strictly for the removal of debris from 100,000 linear feet of the Cane River. He indicated the work was not limited to, but would be performed in the Cane River around the park, and indicated the county could request approval to use the funding elsewhere if needed. A discussion ensued regarding impact of the project to adjacent landowners. Mr. Howell indicated letters had been sent to the adjacent landowners and that their properties would not be impacted. Commissioner Austin made a motion to approve the Watershed Restoration Project contract. Commissioner Grindstaff seconded the motion. By unanimous vote the motion was approved.

County Manager Austin presented *Application for Pawn Broker's License* submitted by Conner J. Fox. (Attachment I) She reported the application was complete and submitted for approval. Commissioner Austin made a motion to approve the application for the pawnbroker's license, which was seconded by Commissioner Riddle. By unanimous vote the motion was approved.

County Manager Austin gave a brief update on current projects including that the East Yancey Water & Sewer and the Cane River Restoration projects were out for bid. She reported that the bids for Ray Cort Park project were higher than anticipated and the scope of work was being evaluated to see if it could be modified so that the project would come in under budget. She further discussed the transfer station and indicated that the slope was not as good as anticipated, but had been observed and approved by the engineer and DENR.

County Manager Austin commended Jeff Howell for all of his work in completing applications for FEMA funds. She also discussed some upcoming grant opportunities including applying for a Community Development Block Grant (CDBG) for the future farmer's market. County Manager Austin said the county could apply for up to \$900,000 in funds to use the facility as food hub distribution site and possible testing site. She indicated in order to apply the Board would be required to hold two public hearings: one to be held October 5 at 6:30 pm, and, the second to be held at the next regular meeting of the Board on October 12 at 6:00 pm. She also indicated the county was working with Judy Francis with PARTF to possibly leverage additional funding for Ray Cort Park. Commissioner Grindstaff inquired if the county planned to implement the pay study project. County Manager Austin reported county management planned to implement the first phase of the pay increases during October.

County Commissioners' Report

None of the commissioners had anything to report.

County Attorney's Report

The county attorney was not present at the meeting.

Public Comment

No one presented for public comment.

Adjournment

Having no further business, Commissioner Ledford made a motion to adjourn with Commissioner Riddle seconding the motion. The Board of Commissioners voted unanimously to adjourn.

Approved and authenticated this the 12th day of October 2020.

Jeff Whitson, Chairman

Mark Ledford, Vice Chairman

Jill Austin, Commissioner

Sonya Morgan, Clerk to the Board

David Grindstaff, Commissioner

(county seal)

Johnny Riddle, Commissioner

**Minutes of the September 15, 2020
Special Meeting of the Yancey County Board Of Commissioners
Held at 5:00 pm in the Commissioners Meeting Room
Yancey County Courthouse, Burnsville North Carolina**

Present at the meeting held September 15, 2020 were Commissioner Mark Ledford, Commissioner David Grindstaff, Commissioner Jill Austin, Commissioner Johnny Riddle, County Manager Lynn Austin, County Attorney Donny Laws, and Clerk to the Board Sonya Morgan. Chairman Jeff Whitson was absent from the meeting.

Call to Order

Vice Chairman Mark Ledford called the meeting to order.

Approval of the Agenda

Vice Chairman Ledford asked for a motion to approve the agenda. Commissioner Riddle made a motion to approve the agenda. Commissioner Austin seconded the motion. By unanimous vote the agenda was approved. (Attachment A)

Mountain Community Health Partnership (MCHP)

Present and representing Mountain Community Health Partnership (MCHP) were Chuck Shelton, LaCosta Tipton, Tim Evans, and Josh Newton. County Manager Austin began the discussion saying she had contacted and had conversations with MCHP earlier this year to discuss alternatives to participating in a health district. She said she had learned that Toe River Health District was one of the three districts in the state and expressed concerns that counties were only required to give a 60-day notice of their intent to pull out of the district. County Manager Austin indicated the meeting was held to gather information to be prepared and know what options are available. Mr. Shelton indicated MCHP is a federally qualified health center that receives \$1.4 million in a three year grant period in funding, as well as from Medicare, Medicaid, and the commercially insured. MCHP representatives reviewed the services provided. A discussion ensued regarding the possible relationship with MCHP and services that could be provided in Yancey County. County Attorney Donny Laws advised counties could only leave a health district at the end of a fiscal year and reviewed some of the requirements for provision of services by accredited health department employees. Vice Chairman Ledford recapped the discussions including that county management would investigate the matter further and come up with a plan or proposal to be presented to the Board.

Adjournment

Having no further business, Commissioner Riddle made a motion to adjourn, with Commissioner Austin seconding the motion. The Board of Commissioners voted unanimously to adjourn.

Approved and authenticated this the 12th day of October 2020.

Jeff Whitson, Chairman

Mark Ledford, Vice Chairman

Jill Austin, Commissioner

Sonya Morgan, Clerk to the Board

(county seal)

David Grindstaff, Commissioner

Johnny Riddle, Commissioner

**Minutes of the October 5, 2020
Special Meeting of the Yancey County Board Of Commissioners
Held at 6:30 pm in the Courtroom
Yancey County Courthouse, Burnsville North Carolina**

Present at the special meeting held October 5, 2020 were Chairman Jeff Whitson, Commissioner Mark Ledford, Commissioner David Grindstaff, Commissioner Jill Austin, Planning and Economic Development Director Jamie McMahan, and Clerk to the Board Sonya Morgan. Commissioner Johnny Riddle was absent from the meeting.

Call to Order

Chairman Whitson called the meeting to order.

Approval of the Agenda

Chairman Whitson asked for a motion to approve the agenda. Commissioner Grindstaff made a motion to approve the agenda. Commissioner Austin seconded the motion. By unanimous vote the agenda was approved. (Attachment A)

Public Hearing for 2020 Community Development Block Grant (CDBG) Application

Chairman Whitson opened the floor for a public hearing for the purpose of receiving citizen input on the submission of an application for the 2020 Community Development Block Grant funds for the Coronavirus Program. The CDBG funds will be used to help Yancey County prepare, prevent, and/or respond to the health and economic impacts of COVID-19 and will be designed to assist the low and moderate income residents of the County. No one spoke during the public hearing and no written comments were presented. Chairman Whitson asked for a motion to close the public hearing. Commissioner Grindstaff made a motion to close the public hearing with Commissioner Ledford seconding the motion. By unanimous vote the public hearing was closed. Next, the Board considered the Citizen Participation Plan describing how Yancey County will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant program. (Attachment B) Chairman Whitson made a motion to adopt the Citizen Participation Plan for the CDBG grant with Commissioner Austin seconding the motion. By unanimous the motion was approved.

Adjournment

Having no further business, Commissioner Ledford made a motion to adjourn, with Commissioner Grindstaff seconding the motion. The Board of Commissioners voted unanimously to adjourn.

Approved and authenticated this the 12th day of October 2020.

Jeff Whitson, Chairman

Mark Ledford, Vice Chairman

Jill Austin, Commissioner

Sonya Morgan, Clerk to the Board

(county seal)

David Grindstaff, Commissioner

Johnny Riddle, Commissioner

July 1, 2020 through June 30, 2021

**Home and Community Care Block Grant for Older Adults
Agreement for the Provision of County-Based Aging Services**

This Agreement, entered into as of this 1st day of July, 2020, by and between the County of Yancey (hereinafter referred to as the "County") and the High Country Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witnesseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards Manual, Volumes I through IV, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:

Yancey County Community Center

- 1(a) The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DAAS-732) for the period ending June 30 for the year stated above.
2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.
3. Grant Administration. The grant administrator for the Area Agency shall be Nicole Hiegl, Area Agency on Aging Director. The grant administrator for the County shall be Lynn Austin, Yancey County Manager.
It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in

writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DAAS-732) are to commence no later than July 1 of the state fiscal year and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30 of the state fiscal year.
5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR Part 75, Subpart D-Post Federal Award Requirements, Procurement Standards. Federal funds shall not be awarded to any subrecipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs.
6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DAAS-732).

(a) Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation by the 22nd of each month.

(b) Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

(c) Role of the County Finance Director

The County Finance Director shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with

procedures specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

(d) Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging and Adult Services through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers, revised February 17, 1997.

If through the US Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The County may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home, congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, the grants administrator for the County shall obtain written approval for the revision from the Area Agency prior to implementation by the community service provider, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met. Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering amended service data into the Division of Aging and Adult Services Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

8. Monitoring. This Agreement will be monitored to assure that services are being provided as stated in the Division of Aging and Adult Service Monitoring Policies and Procedures at <http://www.ncdhhs.gov/aging/monitor/mpolicy.htm> .

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and as specified in Administrative Letter 12-08. As of July 1, 2012, DAAS Program Compliance Representatives (PCRs) are no longer monitoring HCCBG services provided through county departments of social services.

Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308 of the AAA Policies and Procedures Manual (<http://www.ncdhhs.gov/aging/monitor/mpolicy.htm>). Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

Director
North Carolina Division of Aging and Adult Services
2101 Mail Service Center
693 Palmer Drive
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.

11. Audit. The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Uniform Guidance 2 CFR Part 200.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Uniform Guidance CFR 2 Part 200, where applicable. Applicable community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Uniform Guidance 2 CFR Part 200, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable. **Federal funds** may not be used to pay for a **Single or Yellow Book audit** unless it is a federal requirement. **State funds** will not be used to pay for a **Single or Yellow Book audit** if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements can be found at <https://www.ncgrants.gov/NCGrants/PublicReportsRegulations.jsp>

The following provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Uniform Guidance 2 CFR Part 200 based upon funding received and expended during the service provider's fiscal year:

<u>Annual Expenditures</u>	<u>Report Required to AAA</u>	<u>Allowable Cost for Reporting</u>
<ul style="list-style-type: none"> Less than \$25,000 in State or Federal funds 	Certification form and State Grants Compliance Reporting <\$25,000 (item # 11, Activities and Accomplishments does <u>not</u> have to be completed) OR Audited Financial Statements in Compliance with GAO/GAS (i.e. Yellow Book)	N/A
<ul style="list-style-type: none"> Greater than \$25,000 and less than \$500,000 	Certification form and Schedule of Grantee Receipts >\$25,000 and	N/A

in State Funds or
\$750,000 in Federal
Funds

Schedule of Receipts and Expendi-
tures

OR

Audited Financial Statements in
Compliance with GAO/GAS
(i.e. Yellow Book)

- \$500,000 + in State funds but Federal pass through in an amount less than \$750,000 Audited Financial Statement in compliance with GAO/GAS (i.e. Yellow Book) May use State funds, but not Federal Funds
- \$500,000+ in State funds and \$750,000+ in Federal pass through funds Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part 200 (i.e. Single Audit) May use State and Federal funds
- Less than \$500,000 in State funds and \$750,000+ in Federal pass through funds Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part (i.e. Single Audit) May use Federal funds, but not State funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9). The only exceptions are if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Uniform Guidance CFR 2 Part 200, 45 CFR Part 1321 or state eligibility requirements as specified in policy.
13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against any and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.

14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.
15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate, with the County in the performance of the County's duties under this Agreement.
16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.
17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.
18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising there from.
19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise here from.
20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.

21. Confidentiality and Security. Any client information received in connection with the performance of any function of a community service provider or its subcontractors under this Agreement shall be kept confidential. The community service provider acknowledges that in receiving, storing, processing, or otherwise handling any confidential information, the agency and any subcontractors will safeguard and not further disclose the information except as provided in this Agreement and accompanying documents.
22. Record Retention and Disposition. All state and local government agencies, nongovernmental entities, and their subrecipients, including applicable vendors, that administer programs funded by federal sources passed through the NC DHHS and its divisions and offices are expected to maintain compliance with the NC DHHS record retention and disposition schedule and any agency-specific program schedules developed jointly with the NC Department of Cultural Resources, Division of Archives and Records. Retention requirements apply to the community service providers funded under this Agreement to provide Home and Community Care Block Grant services. Information on retention requirements is posted at <http://www.ncdhhs.gov/control/retention/retention.htm> and updated semi-annually by the NC DHHS Controller's Office. By funding source and state fiscal year, this schedule lists the earliest date that grant records in any format may be destroyed. The Division of Archives and Records provides information about destroying confidential data and authorized methods of record destruction (paper and electronic) at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Authorized-Destruction>.

The NC DHHS record retention schedule is based on federal and state regulations and pertains to the retention of all financial and programmatic records, supporting documents, statistical records, and all other records supporting the expenditure of a federal grant award. Records legally required for ongoing official proceedings, such as outstanding litigation, claims, audits, or other official actions, must be maintained for the duration of that action, notwithstanding the instructions of the NC DHHS record retention and disposition schedule.

In addition to record retention requirements for records in any format, the long-term and/or permanent preservation of electronic records require additional commitment and active management by agencies. The community service provider will comply with all policies, standards, and best practices published by the Division of Aging and Adult Services regarding the creation and management of electronic records.

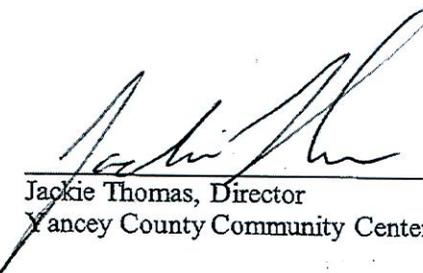
23. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

Attest: 

Yancey County

By: 


 Jackie Thomas, Director
 Yancey County Community Center


 Jeff Whitson, Chair
 Yancey County Board of Commissioners

High Country Area Agency on Aging

Attest:

By:


 Nicole Hiegl,
 Aging Services Coordinator


 Julie Wiggins,
 Executive Director,
 High Country Council of Governments

Provision for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act.

BY: 
 Julie Page, Finance Officer, High Country Council of Governments

THIS INSTRUMENT HAS BEEN PREAJOINED
IN THE MANNER REQUIRED BY THE
LOCAL GOVERNMENT BUDGET
AND FISCAL CONTROL ACT

This page will be utilized when the Area Agency is designated by County to write checks to community service providers.

24. Payment to Community Service Providers by the Area Agency on Aging. The County authorizes the Area Agency on Aging, in lieu of the County Finance Officer, to provide interim and reimbursement payments to community service providers as prescribed in paragraphs 6(a) and (c) of this Agreement. Services applicable to this authorization are as follows:

<u>Community Service Provider</u>	<u>Service</u>
Yancey County Community Center	In-Home Aide Nutrition Transportation

Senior Center Operations

This authorization by the County shall be in compliance with requirements set forth in the North Carolina Budget and Fiscal Control Act. The County Finance Officer shall establish controls to account for the receipt and expenditure of Home and Community Care Block Grant Funds.

DRUG AND ALCOHOL TESTING POLICY
Yancey County Transportation Authority
Adopted as of October 01, 2020

A. PURPOSE

- 1) The Yancey County Transportation Authority provides public transit and paratransit services for the residents of Yancey County, North Carolina. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Yancey County Transportation Authority declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

- 3) Any provisions set forth in this policy that are included under the sole authority of Yancey County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Yancey County Transportation Authority will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

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A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

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Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

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

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated

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but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

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Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

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- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.

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- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

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- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Yancey County Transportation Authority supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

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Alcohol: The use of beverages containing alcohol (including mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

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- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Yancey County Transportation Authority, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Yancey County Transportation Authority employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Yancey County Transportation Authority management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Yancey County Transportation Authority's authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

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- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Yancey County Transportation Authority. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS or LC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation

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- for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Yancey County Transportation Authority. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
 - 5) Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Yancey County Transportation Authority will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Yancey County Transportation Authority will seek reimbursement for the split sample test from the employee.
 - 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
 - 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
 - 8) Observed collections
 - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Yancey County Transportation Authority that there was not an adequate medical explanation for the result;
- ii. The MRO reports to Yancey County Transportation Authority that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily

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- Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
 - 3) Yancey County Transportation Authority affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
 - 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will

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not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.

- b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- e. If a pre-employment test is canceled, Yancey County Transportation Authority will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Yancey County Transportation Authority* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has

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worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Yancey County Transportation Authority* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Yancey County Transportation Authority proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All Yancey County Transportation Authority FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Yancey County Transportation Authority's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) Yancey County Transportation Authority shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.

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- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Yancey County Transportation Authority.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Yancey County Transportation Authority shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Yancey County Transportation Authority. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
 - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless

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the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Yancey County Transportation Authority is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Yancey County Transportation Authority may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Yancey County Transportation Authority's authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Yancey County Transportation Authority's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

Yancey County Transportation Authority will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
 - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.
 - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
 - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.

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- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Yancey County Transportation Authority employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Yancey County Transportation Authority and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**

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- e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Yancey County Transportation Authority.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Yancey County Transportation Authority is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Yancey County Transportation Authority Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Yancey County Transportation Authority or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the Yancey County Board of Commissioners on _____, 2020.

Chairman

Attest:

Clerk to the Board

(seal)

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Van Driver	Revenue Service Vehicle Operation	Full-time
Sub-Driver	Revenue Service Vehicle Operation	Part-time
Administrative Assistant	Dispatcher	Full-time
Director	Dispatcher	Full-time

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Yancey County Transportation Authority Drug and Alcohol Program Manager

Name: Michael Harris

Title: YCTA Director

Address: 503 Medical Campus Drive, Burnsville, NC 28714

Telephone Number: 828-682-6144

Medical Review Officer

Name: Dr. David Craig

Title: Medical Director

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

Substance Abuse Professional

Name: Christy Duncan

Title: RN

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

HHS Certified Laboratory Primary Specimen

Name: Amberly Rohr

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

HHS Certified Laboratory Split Specimen

Name: Amberly Rohr

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

DRUG AND ALCOHOL TESTING POLICY
Yancey County Transportation Authority
Adopted as of October 1, 2020

A. PURPOSE

- 1) The Yancey County Transportation Authority provides public transit and paratransit services for the residents of Yancey County, North Carolina. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Yancey County Transportation Authority declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Yancey County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Yancey County Transportation Authority will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

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A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

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Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

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

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated

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but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

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Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

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- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.

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- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

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- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
 - b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Yancey County Transportation Authority supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
 - c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances

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containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

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- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Yancey County Transportation Authority, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Yancey County Transportation Authority employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Yancey County Transportation Authority management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Yancey County Transportation Authority's authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Yancey County Transportation Authority. Any safety-sensitive employee who refuses to

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comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS or LC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is

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- found, the test will be verified positive or refusal to test and reported to the Yancey County Transportation Authority Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
 - 5) Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Yancey County Transportation Authority will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Yancey County Transportation Authority will seek reimbursement for the split sample test from the employee.
 - 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
 - 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
 - 8) Observed collections
 - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Yancey County Transportation Authority that there was not an adequate medical explanation for the result;
- ii. The MRO reports to Yancey County Transportation Authority that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily

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- Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
 - 3) Yancey County Transportation Authority affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
 - 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo alcohol and urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug and alcohol test. An

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applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results and an alcohol test with results below 0.02 BAC.

- b. Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.
- c. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results and an alcohol test with results below 0.02 BAC.
- d. If an applicant fails a pre-employment drug/alcohol test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- e. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, and/or an alcohol test with results 0.02 BAC or above, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- f. If a pre-employment test is canceled, Yancey County Transportation Authority will require the applicant to take and pass another pre-employment drug/alcohol test.
- g. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

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- h. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- i. Applicants are required (even if ultimately not hired) to provide *Yancey County Transportation Authority* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Yancey County Transportation Authority* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide *Yancey County Transportation Authority* proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All *Yancey County Transportation Authority* FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under *Yancey County Transportation Authority's* authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

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- 2) Yancey County Transportation Authority shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Yancey County Transportation Authority
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Yancey County Transportation Authority shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Yancey County Transportation Authority. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

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2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
- b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to

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

In the rare event that Yancey County Transportation Authority is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Yancey County Transportation Authority may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Yancey County Transportation Authority's authority.

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- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Yancey County Transportation Authority's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

Yancey County Transportation Authority will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

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In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a list of USDOT qualified Substance Abuse Professionals (SAPs) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
 - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.

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- g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- h. Fail to cooperate with any part of the testing process.
- i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- j. Possess or wear a prosthetic or other device used to tamper with the collection process.
- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Yancey County Transportation Authority employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Yancey County Transportation Authority and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall

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result in termination. All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.

- d. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
- e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
- f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Yancey County Transportation Authority.
- g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Yancey County Transportation Authority is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Yancey County Transportation Authority Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Yancey County Transportation Authority or the employee.

- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Yancey County Board of Commissioners*,
_____, 2020

Chairman

Attest:

Clerk to the Board

(seal)

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Van Driver	Revenue Service Vehicle Operation	Full-time
Sub-Driver	Revenue Service Vehicle Operation	Part-time
Administrative Assistant	Dispatcher	Full-time
Director	Dispatcher	Full-time

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Yancey County Transportation Authority Drug and Alcohol Program Manager

Name: Michael Harris

Title: YCTA Director

Address: 503 Medical Campus Drive, Burnsville, NC 28714

Telephone Number: 828-682-6144

Medical Review Officer

Name: Dr. David Craig

Title: Medical Director

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

Substance Abuse Professional

Name: Christy Duncan

Title: RN

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

HHS Certified Laboratory Primary Specimen

Name: Amberly Rohr

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371

HHS Certified Laboratory Split Specimen

Name: Amberly Rohr

Address: 130 Forest Service Road, Suite A, Bakersville, NC 28705

Telephone Number: 828-688-2371



September 30, 2020

Ms. Lynn Austin, County Manager
Yancey County Courthouse
110 Town Square, Room #11
Burnsville, NC 28714

Subject: Bid Tabulation and Award Recommendation
Cane River Stabilization and Berm Repairs at Cane River Park
Yancey County, North Carolina

Dear Ms. Austin:

Three bids were received for the subject project and the bids were opened and read aloud publicly on September 21, 2020 at 4:00 PM. One of the bids, submitted by Silvers and Associates, LLC, was later rejected because they do not possess the required Highway Contractor classification as indicated in the Notice to Bidders section of the project manual. Two of the bidders, Silvers and Associates, LLC and Bryant's Land Development Industries, Inc. failed to submit a Statement of Qualifications outlining previous river restoration experience with their bids, as requested in the bid documents.

The project manual includes the more rigorous Highway Contractor classification (as compared to the Building Contractor classification) because of the critical nature of the grading and drainage work that this project entails. The project involves a large volume of earthwork and specialty river restoration techniques immediately adjacent to the Cane River, where threatened and endangered species are present. The project also involves repairing the berm that will provide flood protection for the county's flagship park; this berm failed during Hurricane Michael about two years ago and county staff spent several months applying for FEMA disaster relief funding and coordinating with FEMA staff.

Of the two qualified bids (assuming the Bryant bid is not rejected solely on the basis of them not having submitted a Statement of Qualifications), the Baker Grading & Landscaping, Inc. bid is lower by over \$260,000. Also, Baker's Statement of Qualifications shows that they are well qualified to complete the work. We recommend that the county award the contract to Baker Grading & Landscaping, Inc.

If you have any questions, please call me at 828.606.0306.

Sincerely,
Headwaters Engineering, PC

A handwritten signature in blue ink, appearing to read 'Andrew Bick', is written over the typed name.

Andrew Bick, PE
Principal

Attachment: Bid Tabulation



Bid Tabulation
Cane River Bank and Berm Repairs
September 30, 2020

Item	Description	Quantity	Unit	Engineer's Estimate		Baker Grading & Landscaping, Inc.		Bryant's Land Development Industries, Inc	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Mobilization	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00
2	Construction survey	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$8,640.00	\$8,640.00
3	Temporary construction entrance	1	LS	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$2,700.00	\$2,700.00
4	Mass grading	1	LS	\$44,000.00	\$44,000.00	\$75,000.00	\$75,000.00	\$69,000.00	\$69,000.00
5	Berm grading (approx. 14 cy/lf x 350 lf)	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$126,100.00	\$126,100.00
6	Borrow excavation	5000	CY	\$20.00	\$100,000.00	\$10.00	\$50,000.00	\$24.00	\$120,000.00
7	Stone toe	400	LF	\$130.00	\$52,000.00	\$75.00	\$30,000.00	\$215.00	\$86,000.00
8	Geolifts (three courses, includes all but stone toe)	400	LF	\$60.00	\$24,000.00	\$50.00	\$20,000.00	\$111.20	\$44,480.00
9	Misc Class A Stone	20	TON	\$50.00	\$1,000.00	\$65.00	\$1,300.00	\$58.00	\$1,160.00
10	Misc Class B Stone	0	TON	\$50.00	\$0.00	\$75.00	\$0.00	\$61.50	\$0.00
11	Misc Class 1 Stone	0	TON	\$60.00	\$0.00	\$95.00	\$0.00	\$62.80	\$0.00
12	Misc Boulders	0	TON	\$80.00	\$0.00	\$100.00	\$0.00	\$98.00	\$0.00
13	Water diversion	1	LS	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00	\$54,340.00	\$54,340.00
14	Silt Fence	200	LF	\$2.50	\$500.00	\$2.00	\$400.00	\$6.90	\$1,380.00
15	Temporary seeding	0.70	AC	\$1,000.00	\$700.00	\$750.00	\$525.00	\$2,560.00	\$1,792.00
16	Permanent seeding - river bank and floodplain bench	0.4	AC	\$1,500.00	\$600.00	\$2,200.00	\$880.00	\$4,330.00	\$1,732.00
17	Permanent seeding - berm	0.3	AC	\$500.00	\$150.00	\$1,700.00	\$510.00	\$5,780.00	\$1,734.00
18	Live stakes	400	EA	\$2.00	\$800.00	\$1.75	\$700.00	\$2.20	\$880.00
19	Bare root trees and shrubs	200	EA	\$2.00	\$400.00	\$2.00	\$400.00	\$8.50	\$1,700.00
				Base Bid =	\$305,650.00	Base Bid =	\$277,715.00	Base Bid =	\$541,638.00
	Add Alternates								
20	Coir matting	600	SY	\$6.00	\$3,600.00	\$4.00	\$2,400.00	\$3.90	\$2,340.00
				Total Estimate =	\$309,250.00	Calculated Total =	\$280,115.00	Calculated Total =	\$543,978.00
						Written Bid =	\$283,115.00	Written Bid =	\$543,978.00
						Difference =	\$3,000.00	Difference =	\$0.00
						5% Bid Bond?	Yes	Yes	
						Addendum Checked?	Yes	Yes	
						Statement of Qualifications?	Yes	No	



YANCEY COUNTY TAX ADMINISTRATION

End of Month Breakout

Outstanding Balances through 09/30/2020

Description	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	Total 2010
Balances											
<hr/>											
Balances											
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County Vehicle Tax											\$39,987.22
	\$5,587.66	\$14,218.15	\$15,256.87	\$4,924.54							
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TOWN OF BURNSVILLE Vehicle Tax											\$1,038.21
		\$499.48	\$502.73	\$36.00							
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BURNSVILLE FIRE DISTRICT Vehicle Tax											\$1,106.71
	\$281.59	\$245.85	\$523.35	\$55.92							
<hr/>											
CANE RIVER FIRE DISTRICT Vehicle Tax											\$312.00
		\$137.60	\$166.03	\$8.37							
<hr/>											
EGYPT FIRE DISTRICT Vehicle Tax											\$116.50
		\$68.96	\$47.14	\$0.40							
<hr/>											
RAMSEYTOWN FIRE DISTRICT Vehicle Tax											\$11.17
		\$6.41	\$0.82	\$3.94							
<hr/>											
GREEN MOUNTAIN FIRE DISTRICT Vehicle Tax											\$261.85
		\$151.60	\$109.07	\$1.18							
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JACKS CREEK FIRE DISTRICT Vehicle Tax											\$303.11
	\$205.81	\$24.84	\$40.51	\$31.95							
<hr/>											
BRUSH CREEK FIRE DISTRICT Vehicle Tax											\$99.15
		\$41.24	\$57.91								
<hr/>											
CRABTREE FIRE DISTRICT Vehicle Tax											\$610.09
	\$72.92	\$307.68	\$193.67	\$35.82							
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SOUTH TOE FIRE DISTRICT Vehicle Tax											\$370.41
	\$18.14	\$221.98	\$115.29	\$15.00							
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PENSACOLA FIRE DISTRICT Vehicle Tax				\$356.56
	\$136.96	\$141.90	\$77.70	
PRICES CREEK FIRE DISTRICT Vehicle Tax				\$273.26
	\$4.86	\$28.70	\$65.53	\$174.17
County Vehicle Interest				\$6,417.60
	\$447.26	\$1,396.16	\$2,863.67	\$1,710.51
TOWN OF BURNSVILLE Vehicle Interest				\$136.68
		\$41.79	\$82.02	\$12.87
BURNSVILLE FIRE DISTRICT Vehicle Interes				\$173.04
	\$22.59	\$25.74	\$106.69	\$18.02
CANE RIVER FIRE DISTRICT Vehicle Interes				\$41.01
		\$12.88	\$26.29	\$1.84
EGYPT FIRE DISTIRCT Vehicle Interest				\$13.99
		\$6.00	\$7.98	\$0.01
RAMSEYTOWN FIRE DISTRICT Vehicle Interes				\$1.34
		\$0.40	\$0.02	\$0.92
GREEN MOUNTAIN FIRE DISTRICT Vehicle Int				\$31.52
		\$13.24	\$17.86	\$0.42
JACKS CREEK FIRE DISTRICT Vehicle Intere				\$41.26
	\$16.37	\$3.36	\$10.16	\$11.37
BRUSH CREEK FIRE DISTRICT Vehicle Intere				\$13.41
		\$3.90	\$9.51	
CRABTREE FIRE DISTRICT Vehicle Interest				\$81.72
	\$5.86	\$28.68	\$35.09	\$12.09
SOUTH TOE FIRE DISTRICT Vehicle Interest				\$47.68
	\$1.49	\$22.18	\$19.59	\$4.42
PENSACOLA FIRE DISTRICT Vehicle Interest				\$67.56
		\$13.03	\$28.44	\$26.09
PRICES CREEK FIRE DISTRICT Vehicle Inter				\$82.38
	\$0.42	\$5.05	\$15.47	\$61.44
DMV Vehicle Interest				\$597.51
	\$185.10	\$60.73	\$190.65	\$161.03

Totals

\$6,850.07

\$17,722.59

\$20,634.26

\$7,386.02

\$52,592.94

10/02/2020

Yancey County Tax Office

County/District Collection Percentage Report
As of: 09-30-2020

Run Date: 10-02-2020

2020
County

Net Levy \$
12,849,711.38

Collections \$
8,627,723.36

Collections %
67.15

Districts

Name	Net Levy \$	Collections \$	Collections %
001 - BURNSVILLE FIRE DISTRICT	218,280.75	139,731.74	64.02
002 - CANE RIVER FIRE DISTRICT	70,314.40	54,998.57	78.22
003 - EGYPT FIRE DISTRICT	77,797.37	54,996.67	70.70
004 - RAMSEYTOWN FIRE DISTRICT	24,269.97	15,796.80	65.09
005 - GREEN MOUNTAIN FIRE DISTRICT	26,955.38	17,658.52	65.52
006 - JACKS CREEK FIRE DISTRICT	67,090.94	47,912.88	71.42
007 - BRUSH CREEK FIRE DISTRICT	40,125.89	28,584.64	71.24
008 - CRABTREE FIRE DISTRICT	174,383.30	112,538.83	64.54
009 - SOUTH TOE FIRE DISTRICT	194,039.76	139,316.00	71.80
010 - PENSACOLA FIRE DISTRICT	94,014.88	56,518.85	60.12
011 - PRICES CREEK FIRE DISTRICT	165,016.35	112,172.09	67.98

District Totals

Net Levy \$
1,152,288.99

Collections \$
780,225.59

Collections %
67.71

Personal Property:

Billed
1,052,921.04

UnCollected
731,665.71

Collected
321,255.33

Percent Collected
30.511

Percent Not Collected
69.489

Posting Report

09-01-2020 to 09-30-2020

10-02-2020

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I. Tax Collections + Releases

Year	General Fund	Burnsville	West Yancey	Egypt/Ramseytown	Clearmont	Double Island	Newdale	South Toe	Pensacola	TOTAL
2008	\$175.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$175.05
2009	\$157.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$157.50
2010	\$157.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$157.50
2011	\$231.63	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$231.63
2012	\$143.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$143.33
2013	\$144.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$144.90
2014	\$131.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$131.85
2015	\$120.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$120.00
2016	\$192.44	\$0.00	\$0.00	\$1.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$194.09
2017	\$1,111.90	\$0.00	\$12.96	\$0.00	\$0.00	\$12.30	\$0.00	\$63.97	\$0.00	\$1,201.13
2018	\$985.19	\$26.55	\$12.11	\$0.00	\$0.00	\$12.30	\$31.99	\$24.05	\$0.00	\$1,092.19
2019	\$8,726.47	\$221.53	\$38.10	\$10.65	\$51.30	\$12.30	\$35.63	\$231.09	\$86.69	\$9,413.76
2020	\$2,698,332.04	\$42,158.36	\$52,114.77	\$21,409.32	\$22,673.96	\$8,478.52	\$37,781.66	\$42,833.63	\$16,185.44	\$2,941,967.70
TOTAL	\$2,710,609.80	\$42,406.44	\$52,177.94	\$21,421.62	\$22,725.26	\$8,515.42	\$37,849.28	\$43,152.74	\$16,272.13	\$2,955,130.63

II. Releases

	Current Year	Prior Year	TOTAL
General Fund	\$38,912.74	\$1,690.70	\$40,603.44
Burnsville	\$671.89	\$0.00	\$671.89
West Yancey	\$772.55	\$0.00	\$772.55

Egypt/Ramseytown	\$245.61	\$0.00	\$245.61
Clearmont	\$354.54	\$0.00	\$354.54
Double Island	\$115.24	\$0.00	\$115.24
Newdale	\$572.10	\$0.00	\$572.10
South Toe	\$511.55	\$0.00	\$511.55
Pensacola	\$244.59	\$0.00	\$244.59
TOTAL	\$42,400.81	\$1,690.70	\$44,091.51

III. Net Tax Collections

Year	General Fund	Burnsville	West Yancey	Egypt/Ramseytown	Clearmont	Double Island	Newdale	South Toe	Pensacola	TOTAL
TOTAL	\$2,670,006.36	\$41,734.55	\$51,405.39	\$21,176.01	\$22,370.72	\$8,400.18	\$37,277.18	\$42,641.19	\$16,027.54	\$2,911,039.12

Transaction Type Report

09-01-2020 to 09-30-2020

Year	General	Fire	Penalty	Waste	Additional Fees	Principal	Interest	Advertising Cost	Legal Cost	Total
2011	\$74.13	\$0.00	\$0.00	\$0.00	\$0.00	\$74.13	\$75.87	\$0.00	\$0.00	\$150.00
2016	\$48.11	\$1.65	\$0.00	\$0.00	\$0.00	\$49.76	\$8.79	\$0.00	\$0.00	\$58.55
2017	\$980.86	\$89.23	\$0.00	\$0.00	\$0.00	\$1,070.09	\$265.37	\$16.00	\$0.00	\$1,351.46
2018	\$865.97	\$107.00	\$3.12	\$0.00	\$0.00	\$976.09	\$195.78	\$24.00	\$0.00	\$1,195.87
2019	\$8,617.99	\$687.29	\$22.99	\$0.00	\$0.00	\$9,328.27	\$743.72	\$88.00	\$0.00	\$10,159.99
2020	\$2,659,419.30	\$240,147.59	\$176.03	\$0.00	\$0.00	\$2,899,742.92	\$448.75	\$0.00	\$0.00	\$2,900,191.67
TOTAL	\$2,670,006.36	\$241,032.76	\$202.14	\$0.00	\$0.00	\$2,911,241.26	\$1,738.28	\$128.00	\$0.00	\$2,913,107.54

Adjustment / Release Report

09-01-2020 to 09-30-2020

Year	General	Penalty	Waste	Additional Fees	Principal	Interest	Advertising Cost	Legal Cost	Fire	Amount Due	County Net
2008	\$175.05	\$17.51	\$0.00	\$0.00	\$192.56	\$196.81	\$0.00	\$0.00	\$0.00	\$389.37	\$389.37
2009	\$157.50	\$0.00	\$0.00	\$0.00	\$157.50	\$147.11	\$0.00	\$0.00	\$0.00	\$304.61	\$304.61
2010	\$157.50	\$0.00	\$0.00	\$0.00	\$157.50	\$132.95	\$0.00	\$0.00	\$0.00	\$290.45	\$290.45
2011	\$157.50	\$0.00	\$0.00	\$0.00	\$157.50	\$118.79	\$0.00	\$0.00	\$0.00	\$276.29	\$276.29
2012	\$143.33	\$0.00	\$0.00	\$0.00	\$143.33	\$94.89	\$0.00	\$0.00	\$0.00	\$238.22	\$238.22
2013	\$144.90	\$0.00	\$0.00	\$0.00	\$144.90	\$90.10	\$0.00	\$0.00	\$0.00	\$235.00	\$235.00
2014	\$131.85	\$13.19	\$0.00	\$0.00	\$145.04	\$70.48	\$0.00	\$0.00	\$0.00	\$215.52	\$215.52
2015	\$120.00	\$12.00	\$0.00	\$0.00	\$132.00	\$58.08	\$0.00	\$0.00	\$0.00	\$190.08	\$190.08
2016	\$144.33	\$14.40	\$0.00	\$0.00	\$158.73	\$55.53	\$0.00	\$0.00	\$0.00	\$214.26	\$214.26
2017	\$131.04	\$13.10	\$0.00	\$0.00	\$144.14	\$37.44	\$0.00	\$0.00	\$0.00	\$181.58	\$181.58
2018	\$119.22	\$11.92	\$0.00	\$0.00	\$131.14	\$22.77	\$0.00	\$0.00	\$0.00	\$153.91	\$153.91
2019	\$108.48	\$10.85	\$0.00	\$0.00	\$119.33	\$11.65	\$0.00	\$0.00	\$0.00	\$130.98	\$130.98
2020	\$38,912.74	\$10.85	\$0.00	\$0.00	\$38,923.59	\$-0.08	\$0.00	\$0.00	\$3,488.07	\$42,411.58	\$38,923.51
TOTAL	\$40,603.44	\$103.82	\$0.00	\$0.00	\$40,707.26	\$1,036.52	\$0.00	\$0.00	\$3,488.07	\$45,231.85	\$41,743.78

Collections Receipts Report

09-01-2020 to 09-30-2020

Total general tax	\$2,670,006.36
Total fire tax	\$241,032.76
Total penalty	\$202.14
Total Waste Fees	\$0.00
Total Additional Fees	\$0.00
<hr/>	
Total principal	\$2,911,241.26
Total interest	\$1,738.28
Total cost of advertising	\$128.00
Total legal	\$0.00
Total check overpayments	\$3,323.77
Total Prepaid Payments	\$450.81
Total Prepaid Applied	\$0.00
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Total misc	\$5,640.86
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Grand total receipts	\$2,916,882.12

District Payment Report

09-01-2020 to 09-30-2020

Year	District Code	District Name	Amount
2016	004	RAMSEYTOWN FIRE DISTRICT	\$1.65
2017	002	CANE RIVER FIRE DISTRICT	\$2.80
2017	007	BRUSH CREEK FIRE DISTRICT	\$12.30
2017	009	SOUTH TOE FIRE DISTRICT	\$63.97
2017	011	PRICES CREEK FIRE DISTRICT	\$10.16
2018	001	BURNSVILLE FIRE DISTRICT	\$26.55
2018	007	BRUSH CREEK FIRE DISTRICT	\$12.30
2018	008	CRABTREE FIRE DISTRICT	\$31.99
2018	009	SOUTH TOE FIRE DISTRICT	\$24.05
2018	011	PRICES CREEK FIRE DISTRICT	\$12.11
2019	001	BURNSVILLE FIRE DISTRICT	\$221.53
2019	002	CANE RIVER FIRE DISTRICT	\$27.32
2019	004	RAMSEYTOWN FIRE DISTRICT	\$10.65
2019	005	GREEN MOUNTAIN FIRE DISTRICT	\$51.30
2019	007	BRUSH CREEK FIRE DISTRICT	\$12.30
2019	008	CRABTREE FIRE DISTRICT	\$35.63
2019	009	SOUTH TOE FIRE DISTRICT	\$231.09
2019	010	PENSACOLA FIRE DISTRICT	\$86.69
2019	011	PRICES CREEK FIRE DISTRICT	\$10.78
2020	001	BURNSVILLE FIRE DISTRICT	\$41,486.47
2020	002	CANE RIVER FIRE DISTRICT	\$26,164.74
2020	003	EGYPT FIRE DISTRICT	\$17,175.79
2020	004	RAMSEYTOWN FIRE DISTRICT	\$3,987.92
2020	005	GREEN MOUNTAIN FIRE DISTRICT	\$5,120.22
2020	006	JACKS CREEK FIRE DISTRICT	\$17,199.20
2020	007	BRUSH CREEK FIRE DISTRICT	\$8,363.28
2020	008	CRABTREE FIRE DISTRICT	\$37,209.56
2020	009	SOUTH TOE FIRE DISTRICT	\$42,322.08
2020	010	PENSACOLA FIRE DISTRICT	\$15,940.85
2020	011	PRICES CREEK FIRE DISTRICT	\$25,177.48
TOTAL			\$241,032.76

Detailed District Payment Report

09-01-2020 to 09-30-2020

Year	District Code	District Name	Taxpayer Name	Address	Amount
TOTAL					\$0.00

Outstanding Balances Report

As of 09-30-2020

Year	Amount	County	District	Interest	Advertising	Penalties	Waste	Additional Fees
2009	\$13,049.11	\$6,238.12	\$496.92	\$6,254.07	\$60.00	\$0.00	\$0.00	\$0.00
2010	\$13,752.24	\$6,548.98	\$662.10	\$6,461.16	\$80.00	\$0.00	\$0.00	\$0.00
2011	\$21,998.53	\$11,078.05	\$1,140.54	\$9,670.09	\$92.00	\$17.85	\$0.00	\$0.00
2012	\$25,554.68	\$12,941.81	\$1,487.18	\$10,734.44	\$112.00	\$279.25	\$0.00	\$0.00
2013	\$21,501.05	\$12,020.72	\$1,133.06	\$8,149.27	\$198.00	\$0.00	\$0.00	\$0.00
2014	\$24,980.87	\$14,854.52	\$1,361.49	\$8,240.47	\$148.00	\$376.39	\$0.00	\$0.00
2015	\$28,584.66	\$17,612.26	\$1,722.70	\$8,441.18	\$200.00	\$223.48	\$0.00	\$0.00
2016	\$52,371.14	\$36,179.12	\$2,705.24	\$12,894.57	\$260.00	\$328.21	\$4.00	\$0.00
2017	\$71,528.07	\$51,755.66	\$4,457.99	\$14,237.04	\$436.00	\$641.38	\$0.00	\$0.00
2018	\$116,000.47	\$90,966.72	\$7,566.78	\$15,711.85	\$815.97	\$939.15	\$0.00	\$0.00
2019	\$293,744.43	\$247,435.19	\$21,542.21	\$21,479.61	\$2,088.00	\$1,199.42	\$0.00	\$0.00
2020	\$4,595,204.10	\$4,222,015.10	\$372,065.21	\$0.00	\$0.00	\$1,123.79	\$0.00	\$0.00
Total	\$5,278,269.35	\$4,729,646.25	\$416,341.42	\$122,273.75	\$4,489.97	\$5,128.92	\$4.00	\$0.00



APPOINTMENT

Description

Following is a request for reappointment of Ms. Pat Millen to the Yancey County Joint Advisory Committee for an additional three-year term.

Item Presenter

Stevie M. John by letter

Board Action Requested

Approve Reappointment

Brenda Lyerly
Chair of the Board

468 New Market Blvd.
Boone, NC 28607

Johnny Riddle
Vice-Chair

www.regiond.org



Chris Jones
Secretary

Voice: 800-735-8262

Valerie Jaynes
Treasurer

Phone: 828-265-5434
Fax: 828-265-5439

September 16, 2020

Sonya Morgan
Clerk to the Board of Commissioners
110 Town Square
Burnsville, NC 28714

Dear Ms. Morgan:

The term of appointment of Ms. Pat Millen to the Yancey County Joint Community Advisory Committee has expired. She has indicated her desire to be reappointed for an additional three-year term.

Please submit Ms. Millen's name to the Commissioners for their consideration and let me know their decision at your earliest convenience.

Sincerely,

Stevie John

Stevie M. John, MSW
Regional Long Term Care Ombudsman



PUBLIC HEARING

Description

2020 Community Development Block Grant Application

- The Yancey County Board of Commissioners will be holding a public hearing to solicit citizen input on the submission of an application for 2020 Community Development Block Grant funds for the Coronavirus Program in the amount of \$450,000. The CDBG funds will be used to construct a multi-use facility that will be used for a remote drive-thru testing center, and a food hub distribution center; these funds will also include assistance with subsistence payments.
- RESOLUTION - Community Development Block Grant (CDBG) Application – A copy of the RESOLUTION authorizing the application of the CDBG grant follows.

Item Presenter

Board Action Requested

RESOLUTION FOR YANCEY COUNTY APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDING FOR THE YANCEY COUNTY COMMUNITY RESOURCE CENTER PROJECT

WHEREAS, Yancey County’s Board of Commissioners has previously indicated its desire to assist in community development efforts for housing within the County; and,

WHEREAS, the Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to assist the County prepare, prevent, and/or respond to health and economic impacts of COVID-19 benefiting low- and moderate-income residents; and,

WHEREAS, the Commissioners wish the County to pursue a formal application for Community Development Block Grant funding to assist the County prepare, prevent, and/or respond to health and economic impacts of COVID-19 benefiting low- and moderate-income residents; and,

WHEREAS, the Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Yancey County Board of Commissioners that Yancey County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant to assist the County prepare, prevent, and/or respond to health and economic impacts of COVID-19 benefiting low- and moderate-income residents.

Adopted this the ___ day of _____, 20__ in _____, North Carolina.

Chairman

ATTEST:

Clerk to the Board



Yancey County Comprehensive Transportation Plan Update Socio-Economic Data Forecasting Methodology

Description

Presenter has provided the following memo and the data therein for consideration and approval.

Item Presenter

David Graham

Board Action Requested

Approve memo

MEMORANDUM

To: Lynne Austin, Yancey County Manager
Heather Hockaday, Burnsville Town Manager

From: David Graham, High Country Rural Planning Organization (RPO)

RE: **Yancey County Comprehensive Transportation Plan Update Socio-Economic Data Forecasting Methodology**

In December of 2019, the Transportation Planning Division of the North Carolina Department of Transportation (NCDOT), the High Country RPO, and Yancey County initiated a study to cooperatively develop the Yancey County Comprehensive Transportation Plan (CTP) Update, which includes the Town of Burnsville. The Yancey County CTP Update is a long-range multi-modal transportation plan that covers transportation needs through 2045. Modes of transportation evaluated as part of this plan include: highway, public transportation and rail, bicycle, and pedestrian.

Existing and anticipated deficiencies of the transportation network will be determined through an analysis of both current and future travel patterns. The Yancey County CTP Steering Committee worked with NCDOT to estimate population and employment growth to 2045. A base year of 2018 was used because 2018 has the most available traffic data. The **2019 Yancey County Strategic Economic Development Plan** was also used to inform future growth expected to impact the future transportation system.

Below is a description of the methodology used in the analysis.

Population and Employment

Population trends were estimated using available data from the Office of State Budget and Management (OSBM). Population trends were estimated by calculating the annual growth rate (AGR) for the previous 40 years of census data (1970 – 2010) and using that historical AGR value to project into the future as shown in Table 1. From 1970 to 2010, Yancey County grew by an approximate 0.4% AGR.

Future employment conditions within Yancey County were approved by the CTP Steering Committee. This included approximate locations and intensity for proposed employment centers which were based on the **2019 Yancey County Strategic Economic Development Plan**. Any anticipated heavy demand on the future transportation system as a result of these proposals is accounted for in projected traffic volumes as described below. Countywide 2045 employment totals were based on maintaining the same population-employment ratios as present in 2018.

Table 1 – Population Data

Year	Population – Yancey County	Population - Burnsville	Population North Carolina
1970	12,629	1348	5,084,411
1980	14,934	1452	5,880,095
1990	15,419	1482	6,632,448
2000	17,774	1623	8,046,813
2010	17,817	1693	9,535,483
2018	18,455	1709	10,389,148
2020	18,794	NA	10,630,691
2030	20,488	NA	11,836,070
2039	22,013	NA	12,919,921
2045**	23,200	NA	NA

[County Estimates \(North Carolina Office of State Budget and Management\) – April 2010 Estimate – Accessed on 1/21/2020](#)

[Municipal Estimates \(North Carolina Office of State Budget and Management\) \(Last updated September 16, 2019\); <https://www.osbm.nc.gov/facts-figures/linc>](#)

Table 2 - Yancey County Annual Growth Rates

Growth Rates Per Year (AGR)	Growth Rates Per Year (AGR) Yancey County	Growth Rates Per Year (AGR) Burnsville
2000-2010	0.02%	0.42%
2000-2018	0.21%	0.29%
2000-2030	0.47%	NA
2000-2039	0.55%	NA
2010-2018	0.44%	0.12%
2010-2030	0.70%	NA
2010-2039	0.73%	NA
2018-2039	0.84%	NA

Table 7 – Yancey County Employment and Population to Employment Ratios

Year	Yancey County Population	Yancey County Employed*	Employed/Population Ratio	Yancey County Employment within County**	Employment/Population Ratio
1990	15,419	6717	0.44	3658	0.24
2000	17,774	8538	0.48	4858	0.27
2010	17,817	7810	0.44	3649	0.20
2018	18,455	7950	0.43	3490***	0.19
2045	23,200	10,200	0.44	5800	0.25

* <https://d4.ncommerce.com/LausSelection.aspx> accessed 3/20/2020

** <https://www.ncommerce.com/about-us/divisions-programs/labor-economic-analysis-division> accessed 6/25/2020

*** <https://www.census.gov/quickfacts/yanceycountynorthcarolina> accessed 6/25/2020

Future Traffic

Historic traffic volumes trends were also analyzed. Growth rates were used to project 2045 traffic volumes. After review of the population and employment past trends low, medium, and high growth rates were established by the CTP Steering Committee. When calculated growth rates were 0% or negative, a conservative rate of 0.1% was applied unless the facility is one that goes through an area defined in the **2019 Yancey County Strategic Economic Development Plan** as an area of anticipated development growth. Then a growth rate of 1.2% was used unless the current growth rate was higher. Then that rate was applied. *If a facility showed moderate growth but fluctuated significantly over the past decade, an annual average growth rate of 0.9% was used.*

Request for Approval

NCDOT and the High Country RPO respectfully requests your official approval of projected socio-economic data used to determine future deficiencies shown in the tables below. **Your approval can be documented as part of the official minutes of a regularly scheduled Board of Commissioners or Town Council meeting.**

Population and Employment CTP Estimates

CTP Estimates	2018	2045
Population	18,455	23,200
County Employment	3490	5800
Total Employed	7950	10,200

Estimated Growth Rates in Yancey County

Growth	Percent Annual Growth Rate
Low	0.1%
Medium	0.9%
High	1.2%