

# Macon County



## MACON COUNTY BOARD OF COMMISSIONERS DECEMBER 12, 2017 AGENDA

1. Call to order – County Manager
2. Election of chairman – County Manager
3. Election of vice-chairman
4. Examination of Official Bond for Public Officials of Macon County
5. Announcements
6. Moment of Silence
7. Pledge of Allegiance
8. Public Hearing(s) – **NONE**
9. Public Comment Period
10. Adjustments to and approval of the agenda
11. Reports/Presentations
  - A. Vaya Health update – Shelly Foreman, Western Region  
Community Relations
12. Old Business
  - A. Consideration of Work First Electing County Plan for State  
Fiscal Years 2019-2022 – DSS Director Patrick Betancourt
  - B. Discussion of Sedimentation and Erosion Control Ordinance  
Grading License revisions – Planning, Permitting and  
Development Director Jack Morgan and the County Attorney
  - C. Request for Qualifications (RFQ) evaluation for architectural  
services at South Macon Elementary School – County Manager
13. New Business
  - A. Update on emergency communications project – Emergency  
Services Director Warren Cabe

- B. Changes to U.S. Department of Transportation drug and alcohol testing regulations – Transit Director Kim Angel
- C. Lease agreement between Macon County and Southwestern Community College regarding existing burn building property – County Manager

14. Consent Agenda – Attachment #14

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- A. Minutes of the November 14, 2017 regular meeting
- B. Budget Amendments #92-93
- C. Tax Releases (none)
- D. Tax Refund
- E. Monthly ad valorem tax collection report

15. Appointments

- A. Community Funding Pool (one seat)

16. Closed session

17. Adjourn/Recess

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Governing Board

**SUBJECT MATTER:** Examination of Official Bond for Public  
Officials of Macon County

**COMMENTS/RECOMMENDATION:**

Please see the attached document, which has been updated by the Finance Director, for more information.

Attachments   1   Yes        No

**Agenda Item 3**

**RESOLUTION  
EXAMINATION OF OFFICIAL BONDS  
FOR PUBLIC OFFICIALS OF MACON COUNTY**

**WHEREAS**, pursuant to North Carolina General Statutes §58-72, the Macon County Board of Commissioners is required each year to examine carefully the bonds of the public officers listed in North Carolina General Statute §58-72-10 and must give bonds with sufficient surety in order for them to qualify for office. The bonds shall be in accordance with varying General Statutes as related to the following positions:

1. **County Finance Officer** – Bond in an amount not less than \$50,000 (N.C.G.S. §159-29(a)). Current surety is The Ohio Casualty Insurance Company, Bond No. 3792517, in the amount of \$250,000.
2. **Tax Collector** – Bond must be given for satisfactory collection of taxes; amount at discretion of Board of Commissioners (N.C.G.S. §105-349(c)). Current surety is The Ohio Casualty Insurance Company, Bond No. 3792517, in the amount of \$250,000.
3. **Register of Deeds** – Bond of not less than \$10,000 nor more than \$50,000, approved by the Board of Commissioners, and payable to the State (N.C.G.S §161-4). Current surety is The Ohio Casualty Insurance Company, Bond No. 3792517, in the amount of \$50,000.
4. **Sheriff** – Bond shall be in an amount not more than \$25,000 (N.C.G.S §162-8). Current surety is The Ohio Casualty Insurance Company, Bond No. 018009275, in the amount of \$25,000.

**WHEREAS**, the Macon County Finance Office has secured from The Ohio Casualty Insurance Company the attached official bonds for the above referenced public officials for the Macon County Board of Commissioners' consideration and approval;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Macon County Board of Commissioners that official bonds for the public officials referenced above in the recommended amounts from The Ohio Casualty Insurance Company are hereby approved.

Adopted this the 12th day of December, 2017.

\_\_\_\_\_  
Chairman, Macon County Board of Commissioners

ATTEST:

(Seal)

\_\_\_\_\_  
Ex Officio Clerk to the Board

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Vaya Health

**SUBJECT MATTER:** Presentation

**COMMENTS/RECOMMENDATION:**

Shelly Foreman, Western Region Community Relations representative for Vaya Health, has requested time on the agenda to provide the board with an overview of Vaya's strategic planning, the impact of state funding reductions and county specific activities.

Attachments \_\_\_\_\_ Yes  X  No

Agenda Item 11A

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Department of Social Services

**SUBJECT MATTER:** Work First Electing County Plan for State Fiscal Years 2019-2022

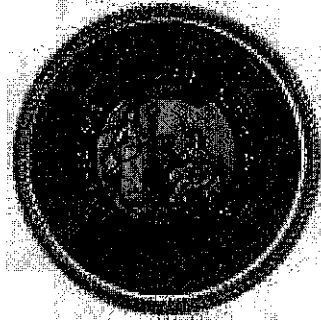
### COMMENTS/RECOMMENDATION:

Director of Social Services Patrick Betancourt will be seeking the board's final approval of the plan, a copy of which is attached. Per Mr. Betancourt, it is due to the North Carolina Division of Social Services on Friday, December 15<sup>th</sup>. In October of this year, the board voted unanimously to move forward with remaining an "electing" county.

Attachments   1   Yes        No

Agenda Item 12A

**MACON COUNTY  
DEPARTMENT OF SOCIAL SERVICES**



**WORK FIRST COUNTY PLAN**

**2019-2022**

**R. Patrick Betancourt, Director  
Sheila Conley, Economic Services Supervisor  
1832 Lakeside Drive  
Franklin, North Carolina 28734  
828-349-2124**

*Our mission: Partnering to promote, protect, and strengthen our community.*

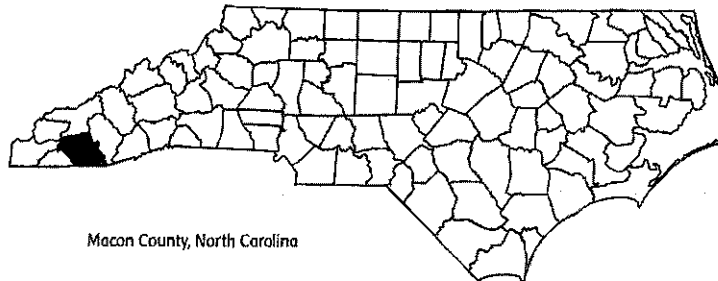
<b>TABLE OF CONTENTS</b>	<b>PAGES</b>
I. COUNTY CONDITIONS	3
II. PRINCIPLES OF PARTNERSHIP   CIVIL RIGHTS ACT	5
III. PLANNING PROCESS	6
IV. OUTCOMES AND GOALS	8
V. PLANS TO MEASURE AND ACHIEVE OUTCOMES AND GOALS	9
VI. ADMINISTRATION	16
VII. EMERGENCY ASSISTANCE (EA)	19
VIII. SERVICES TO FAMILIES UNDER 200% FPL	21
IX. SERVICES TO NON-CUSTODIAL PARENTS	21
X. WORK REQUIREMENT EXEMPTION	21
XI. INNOVATIVE COUNTY STRATEGIES	22
XII. SPECIAL ISSUES	23
XIII. ELECTING COUNTY ELIGIBILITY CRITERIA	23
XIV. APPEALS PROCESS	25
XV. REVIEW PRIOR TO TIME LIMIT EXPIRATION	25
XVI. FUNDING REQUIREMENTS	25
XVII. PUBLIC COMMENT PROCESS	26
XVIII. CERTIFICATIONS	27

Attachments A-K



I. COUNTY CONDITIONS

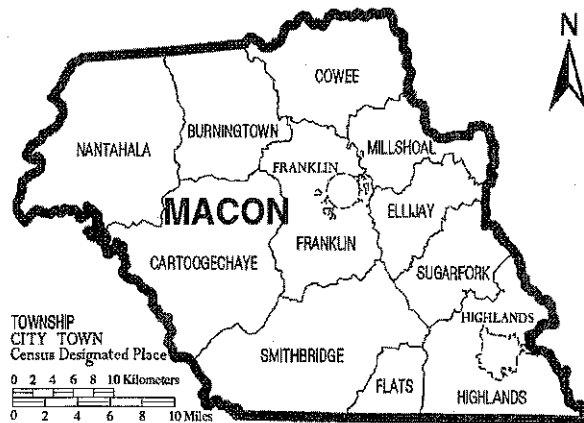
Macon County, founded in 1828 and named for Nathaniel Macon, is a Western North Carolina mountainous county nestled in the cradle of the Nantahala, Chattahoochee-Oconee, and Sumter National Forests. With the Town of Franklin as its County Seat, Macon County is home to the headwaters of the Nantahala River and, at mile marker 110, is one of the first major stops along the 2,190 mile Appalachian Trail for north-bound hikers. Macon County is a hub of bountiful outdoor activities and one of the most scenic areas within the Smoky Mountains.



Macon County, North Carolina

The county is within easy driving distances to several major metropolitan areas: Atlanta, GA is 127 miles to the south; Knoxville, TN is 112 miles to the north; Greenville, SC is 90 miles to the southeast and Asheville, NC is 60 miles to the east. It is often remarked that Macon County is closer to four other state capitals than her own: Montgomery, AL (290 miles); Nashville, TN (271 miles); Columbia, SC (215 miles); and Atlanta, GA (130 miles) are all a shorter distance than Raleigh (312 miles).

The county has two primary towns: Franklin and Highlands, with a total of eleven townships between.



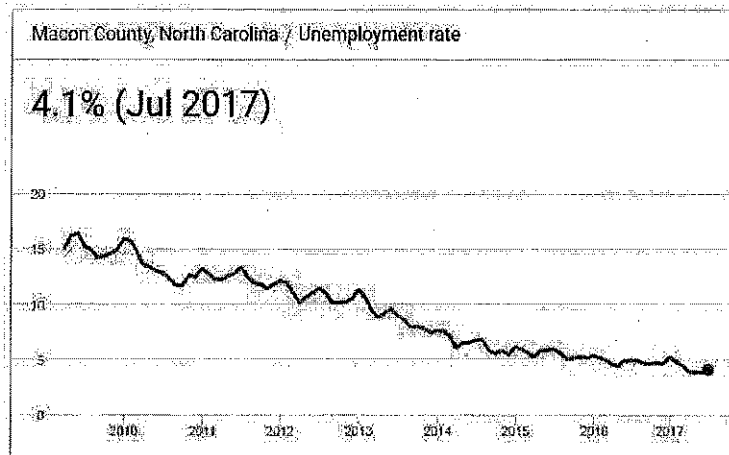
By 2019, the total county population is projected to increase 8.23% from its current 34,376 (as of July 2016) to 37,204 with the citizens over the age of 65 at 33.9% of the total population. Macon County’s population experiences “surges” during the

spring, summer, and early fall months due to the seasonal part-time residents and visitors in the area.

Two hospitals, two free clinics, two urgent care centers, and a locally based Mountain Area Medical Airlift helicopter supports the regional medical facilities and a wide variety of medical and dental practices throughout Macon County. Educationally, there are three public high schools, an advanced high school placement option through Macon Early College, a local satellite campus of one of the state's 58 community colleges (Southwestern Community College) and an easy 25 mile drive to one of only two tuition-free University of North Carolina campuses (Western Carolina University).

In addition to the numerous National Forests mentioned previously, Macon County offers access to several points of cultural and natural interest within easy driving distance including: the Smoky Mountain Center for the Performing Arts; Dry, Cullasaja, Bridal Veil, and Quarry Falls; Lakes Toxaway, Glenville, and Sequoyah, Whiteside Mountain; the Little Tennessee and the Nantahala Rivers and several commercial gem mines open to the public and which bring revenues to the county. The picturesque mountain setting of Macon County has made tourism the number one industry.

Macon County's unemployment rate for April 2015 was 7.1%. Over the past 2½ years the unemployment rate has fallen to a current 4.1% as of July 2017. With a heavy reliance on tourism and construction, Macon County was especially hard-hit during the 2007-2009 Great Recession. Shown below, the county's unemployment rate has witnessed a slow but steady decline with the current rate at its lowest since the country's emergence from the Great Recession.



Macon County families have learned to be resourceful in different ways such as changing their skill sets through offered education and work incentive programs

(e.g., Workforce Innovation and Opportunity Act or WIOA) or, as in most cases, adapting to working for fewer wages per hour while acquiring second jobs as needed. Our families have learned to be more self-reliant and self-sufficient. Macon County Department of Social Services (DSS), as with most social service agencies across North Carolina during the Great Recession, experienced an increase in the number of families being served and accessing additional economic benefits programs for which they have qualified.

Additional challenges faced by Macon County families include:

- lack of affordable housing;
- regionally lower competitive wages / reduced hours;
- easily accessible and dependable transportation;
- equitable lack of access to lower-cost energy sources (e.g. natural gas);
- lack of primary medical providers;
- medical insurance limitations;
- significant poly-substance abuse combined with extreme lack of access to in-patient or medication assisted treatment substance abuse services;
- lack of affordable / subsidized child care
- domestic and family violence;
- poor stress coping mechanisms; and
- lack of access to reliable mental health issues.

In response to the many difficulties that job loss has imposed on our community, Macon County DSS operates a Community Resource Center that helps direct citizens to the appropriate resources within the community. Macon County CareNet, our local food and self-reliance ministry, also operates CharityTracker that links various charitable organizations in community together so those subscribing remain connected in understanding of the community's needs and to guard against abuses of those charitable organizations. Macon County's Economic Development Committees are diligently seeking new companies in hopes that someone will choose Macon County for their new home site for their business.

## II. PRINCIPLES OF PARTNERSHIP | CIVIL RIGHTS ACT

Macon County DSS will continue to promote, protect, and strengthen all of the families we serve (not just our Work First families) through our intentional and diligent application of the six principles of Family Centered Practice and Systems of Care approach in every encounter. This approach is modeled from the agency's Director (who formerly served as North Carolina's Multiple Response Coordinator) and Leadership Team down throughout our organizational structure. All Macon County DSS customers and staff are treated with respect; given a chance to be heard; recognized for their strengths; free from prejudicial judgments; a part of a

greater partnership; and one in which the partnership is equal. It is this agency's committed belief that this approach is crucial in leading to longer term employment and shorter term Work First assistance.

While this agency realizes that each family has different strengths and needs; our applicants/recipients (A/R) are encouraged to work diligently within their abilities and according to their specific needs and are held accountable in co-authoring their own future success.

Macon County complies with both the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). Title VI of the Civil Rights Act of 1964 compliance in overcoming more than 300+ language barriers for public assistance and social service customers is met through an agency contract with Telelanguage. The agency also employs two full-time front reception area staff to specially meet the interpretation and translation needs of Macon County's Hispanic or Latino population. One staff member's primary language is English with Spanish as a secondary language while the other's primary language is Spanish with English as a secondary. Duties and responsibilities of these two specific staff members are delegated so that they may also accompany field based agency staff as needed. The agency has also purchased to equipment to help meet the needs of our deaf and hard-of-hearing customers.

Macon County DSS employees are equally protected from discrimination under this agency's strict adherence to Title VII of the Civil Rights Act of 1964.

### III. PLANNING PROCESS

#### A. Planning Committee

##### Board of County Commissioners

Mr. James Tate, Chairman  
Mr. Ronnie Beale, Liaison to DSS  
Mr. Paul Higdon  
Mr. Gary Shields  
Mr. Karl Gillespie

##### Board of Social Services

Ms. Lisa Leatherman, Chairman  
Ms. Darlene Green  
Ms. Evelyn Southard

Mr. Derek Roland, County Manager

##### Welfare Reform Board Committee (Appointed by Position)

Board of Commissioners – Mr. James Tate  
North Carolina Legislature – Senator Jim Davis  
Social Services Board – Ms. Lisa Leatherman  
Area Mental Health Board – Ms. Dorothy Crawford  
Macon County Schools – Ms. Nancy Cantrell

Macon County Workforce Center – Ms. Dale West  
WIOA Director – Ms. Vanessa Moore  
Macon Program for Progress – Mr. Chuck Sutton, Executive Director  
Consumer – T.B.A.  
Macon County Transit – Ms. Kim Angel, Director  
Franklin Town Council – Mayor Bob Scott  
Macon County CareNet – Ms. Tasha Pinkerton, Interim Executive Director  
Social Services Representative – Mr. R. Patrick Betancourt, Director  
Social Services Representative – Ms. Sheila Conley, Economic Services Supervisor  
Social Services Representative – Ms. Amy Mason  
Macon County Work First Caseworker – Ms. Christina Wallace

## **B. Public Comment**

The public review process included the plan being posted at the following locations from November 28, 2017 through December 11, 2017:

- Macon County Public Library – 149 Siler Farm Rd. Franklin, NC 28734
- Macon County Government Annex – 5 W. Main St. Franklin, NC 28734
- Macon County DSS – 1832 Lakeside Dr. Franklin, NC 28734
- Online at <http://maconnc.org/dss.html>

Public notices of obtaining a copy of and commenting on the plan will be announced on local radio stations WFSC/WNCC in Franklin and WHLC in Highlands as well in two local newspapers: The Franklin Press and the Macon County News. Public comments will be accepted as outlined in Section XVII below (pp. 26). Review of the plan and comments will be obtained formally from the local planning committee members and from public comment as well as informally from community leaders and concerned citizens. The local planning committee members will assist in gathering comments from their respective agencies and will continue to meet on a regular basis to assist in implementing and revising the plan if needed.

## **C. Planning Development**

As a result of the compressed timeframe to update Macon County's Work First planning development was adjusted this year from previous planning development strategies. Following discussions with the North Carolina Division of Social Services in late September 2017, Macon County began plan revisions to incorporate planning feedback from the Division. Macon County's Social Services Board will be provided a plan update on Wednesday, November 15, 2017 while the local planning committee will hold a luncheon meeting on November 28, 2017 to review this updated Work First County Plan. A review of the previous planning processes, proposed modifications to the current plan, and identification of unmet needs within the community will be addressed by the committee and incorporated as an addendum to

this plan if needed. To meet the deadline of plan submission, this revised plan will be presented to the local planning committee simultaneously as public comment is sought. Macon County's Board of Commissioners will meet on Tuesday, December 12, 2017. This will allow for exactly two weeks of public commenting prior to the plan presentation to the Commissioners the evening of December 12. Any public comments provided prior to the Board of County Commissioners' meeting will be recognized at that meeting. If the Board of County Commissioners approves this revised plan, Macon County will submit to the Division a signed plan by December 15, 2017.

As mentioned previously, while unemployment is at a ten-year low, the job market in Macon County remains limited. The local planning committee will be asked to discuss on-going needs and strategies to assist employment-seeking citizens. These strategies may include directing citizens to basic (i.e., GED) or additional educational attainment, technical skills training, soft skills training, child care, accessing public transportation or continued economic development to attract employers to the county. The agency recognizes that in order to understand how to help families within our community, we first need to understand the factors that have impacted them to bring them to the point in which welfare is being requested. Macon County Work First A/R will be assessed by DSS staff and then referred to the county partner that is most suited to help the individuals to obtain self-reliance.

#### **IV. OUTCOMES AND GOALS**

##### **A. Work First Goals**

- 1. Employment** – Employment Services will work with 100% of all work-eligible families so that self-reliance will be realized and goals for the future can be met for each family.
- 2. Meeting Federal Participation Rates** – Active participation in federal countable work activities will lead to full time employment for 50% of all Single-Parent and 90% of Two-Parent Participation. Macon County DSS has met this goal for the past twelve months as, at the current time, the agency only has child-only cases.
- 3. Providing Employment Services** – Active participation in intensive employment services for all families will be completed in order to meet the participation rate and ensure that families are serviced adequately before the end of five years. Employment services will assist 80% of all Single-Parent Families and 100% of Two-Parent Families in job preparation with the aid of the community partners.

4. **Remaining Off Welfare** - 90% of adults and their families will remain off Work First welfare assistance after obtaining employment.
5. **Job Retention** – 60% of families who leave Work First for employment will continue to be employed 6 months after leaving the program. 50% of families who leave the program for employment will continue to be employed 12 months after leaving the program.
6. **Benefit Diversion** – For a more successful outcome, Benefit Diversion (BD) will be assessed for 4% of families to help alleviate the financial crisis and help families return to full time employment using this temporary assistance.

At this time, Macon County has not established outcome goals beyond those outlined by the North Carolina Department of Health and Human Services | Division of Social Services.

## V. PLANS TO MEASURE AND ACHIEVE OUTCOMES AND GOALS

### A. Macon County Activities

- **Build on efforts to promote child protection, permanency, and self-reliance for families**

**Methodology:** Expand recruitment efforts to increase diversity of child welfare resource parents. As stated previously, Macon DSS employs two full-time staff who can translate and interpret information for our Hispanic and Latino customers. As Hispanic and Latino citizens comprise 6.8% (as of July 2016) of Macon County's population, the agency recognizes the need for staff that can assist their child welfare colleagues in working with families whose primary language is Spanish as well as additional Spanish speaking resource families. As of this current plan, Macon County DSS has one resource family in which Spanish is the mother's primary language with English as a secondary language and English is the father's primary language and he is proficient in speaking Spanish. Macon County DSS also contracts with a former foster parent / current adoptive parent whose primary language is Spanish to assist our foster care staff in supervising family/sibling visitations.

**Methodology:** Frequent court reviews for children in the legal custody of Macon County are practiced. Child welfare supervisors, legal staff, and the agency Director identify children who would benefit from more frequent court reviews to assist with achieving permanency within 12 months of entering foster care. As of this current plan, Macon County is achieving permanency rates for children

entering foster care within the following timeframes (with NC's average as comparison)<sup>1</sup>:

- Within 12 months of entry = 20.0% (31.3%)
- Within 12-23 months of entry = 25.0% (44.6%)
- Within 24 months or more = 72.7% (37.7%)

**Methodology:** Based on the agency's relatively small size close-working, interdepartmental teams are more easily able to share appropriate case information and identify resources available to support families. These professional relationships accomplish enhanced strategies that more firmly unify the family.

**Methodology:** Many of our Child-Only cases represent caretakers other than the biological parent providing care for children. Some caretakers have difficulty dealing with emotional and behavioral challenged children/teens. This agency has enhanced kinship care by expanding its definition of *relative* in Child-Only cases.

**Methodology:** Macon County will assess each Child-Only case in which the caretaker is not the parent. If the biological parent moves into caretaker's the home, then the case will be reviewed to determine if the Work First payment should continue.

**Methodology:** Macon County will not receive any Work First cash assistance transfer cases from another NC county or State without first assessing the sending county's case and the overall situation of the family. Macon County may decline any cash assistance that does not meet our electing plan criteria. Unless prohibited by Court Order, it may be in the best interest of the children that the Child-Only Work First case be terminated and the children placed with their biological parents.

**Methodology:** Macon County DSS can make relocation funds available to appropriate Work First A/R to relocate them to an area where either a support system or substantial employment can be found. These funds are limited to \$400.00 and are available only to those who meet Work First Family Assistance (WFFA) income and eligibility requirements. These funds are limited to a one-time relocation per family. The Work First Intake worker will evaluate the family for this assistance. The on-going Work First Caseworker may also make this recommendation after the application process has been initiated. The Work First Supervisor must approve any recommendation for this assistance. The Intake worker will be responsible for determining the service to be purchased and complete the vendor payment request. Families who receive relocation assistance may be eligible for one night's lodging provided by a Transient Fund administered by

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<sup>1</sup> Duncan, D.F., Kum, H.C., Flair, K.A., Stewart, C.J., Vaughn, J.S., Guest, S., Rose, R.A., Malley, K.M.D. and Gwaltney, A.Y. (2017). Management Assistance for Child Welfare, Work First, and Food & Nutrition Services in North Carolina (v3.2). Retrieved November 2, 2017, from the University of North Carolina at Chapel Hill Jordan Institute for Families website. URL: <http://ssw.unc.edu/ma/>



the Macon County Sheriff's Department. Social Work staff will be available to assist with transportation needs for these A/R, such as transportation to the bus station.

- **Condition of the Work First Mutual Responsibility Agreement**

**Methodology:** All families involved with Child Protective Service (CPS) and Work First that are screened to have behavioral indicators or substance abuse issues will be referred to a local mental health provider for assessment and any subsequent treatment.

**Methodology:** Each family entering into the Work First program will be evaluated by the DSS staff. At evaluation, staff will determine the most appropriate avenue for the A/R based on the evaluation, including but not limited to: classes at Southwestern Community College, finance/budgeting management assistance, mental health treatment, referral to Smoky Mountain Pregnancy Care Center or the Nurse Family Partnership (NFP), Workforce Center, or other appropriate agencies within the county. Workers will complete the Mutual Responsibility Agreement (MRA) with the A/R and the A/R must agree to the conditions on the MRA. Work First participants are required to follow any recommendations outlined on the MRA. Failure to provide verification of compliance as well as comply with conditions will result in termination of Work First Cash Assistance benefits.

**Methodology:** Of all adults who leave welfare for work 90% will stay off welfare. Macon County will provide transitional employment services for A/R that work while actively participating in WFFA. A/R can receive up to 3 months of service after receiving their final benefit assistance payment if income is less than 200% of the Federal Poverty Level (FPL). Services may include: a monthly follow-up by DSS staff, transportation reimbursement or assistance, or on-going case management. Support services available to active participants will also be provided to newly employed recipients.

- **Continue to require a Child Support establishment prior to making a Work First cash assistance application**

**Methodology:** It is vital for the family to move toward self-reliance and both parents of the children provide financial support for their children. All persons applying for Work First cash assistance must comply with Child Support Enforcement prior to completing the Work First processing time of 45 days. Failure to comply with this requirement will result in a denial of the Work First Application. As of October 2017, Macon County's overall Child Support Enforcement establishment rate stands at 99.50%<sup>2</sup>.

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<sup>2</sup> Based on Self-Assessment scores provided by the North Carolina Department of Health and Human Services | Division of Social Services - Child Support Enforcement Section on November 6, 2017.

- **Strategy planning with potential Work First cash assistance recipients**

**Methodology:** Work First staff will work with all able-bodied adults who have had a recent connection to the workforce. These applicants will be assessed and will be required to complete a mandatory two-week job search with a specified number of applications to be determined based on the assessed skills and abilities of the individual. Staff will conduct applicant job-readiness assessments and work closely with Workforce Center to assist able-bodied adults to be job ready.

**Methodology:** In conjunction with the agency staff, Workforce Center staff will assist those A/R that have experienced a recent no-fault loss of employment in applying for Unemployment Insurance, if eligible and job search activities. Workforce Center is the North Carolina local connector to internet-based, real-time job matching system which offers job seekers access 24/7 for employment opportunities; assistance in employment profile updates; and request referrals when an A/R credentials match employers' criteria.

**Methodology:** DSS will partner with Workforce Center with WIOA, a federally funded program that provides services including employment and training activities for adults and dislocated workers, as well as youth activities. Employment and training direction is provided and focuses on people who have been dislocated from their jobs to assist them in overcoming their disadvantages. Opportunities such as On the Job Training (OJT) enables workers to be hired and trained for six months by employers who can receive reimbursements up to 50% of the starting wages. Partnering with Southwestern Community College, the Workforce Center, through WIOA, can assist in providing workforce readiness education for career change or can assist high school drop-outs in obtaining their GED.

**Methodology:** Southwestern Community College will partner in assessing each A/R to determine if their skills are transferable or if classes are necessary to insure A/R are started on the appropriate path for workforce readiness. Macon County Transit (MCT) public transportation can be arranged by agency staff for A/R that have limited or unreliable transportation. Along with transportation, agency staff will also coordinate with the agency Child Care Subsidy caseworker to determine if the A/R is eligible to receive assistance with child care expenses. If a potential applicant is determined to need Vocational Rehabilitation, an on-site counselor is available through the NC Department of Commerce's Division of Workforce Solutions at Macon County's center each week. Additionally, agency staff can assist with referrals to Webster Enterprises, Inc., a regionally contracted non-profit provider of educational and training services through the NC Division of Vocational Rehabilitation.

- **Households will meet the Federal Participation rate**

**Methodology:** Of One-Parent Households, 50% will be guided by DSS staff in completing the MRA to achieve a more appropriate and A/R specific outcome. Macon County will require active participation of adult parents whose children are more than three months. The MRA Plan of Action will outline the A/R responsibility of a minimum of 40 hours per week of countable work activities in order to qualify for *pay after performance* incentives. Countable work activities may include, but are not limited to: job searches, computer training, resume building, interview practicing, and any activities deemed necessary to help the A/R be successful. A/R will submit a Time Card by the 5<sup>th</sup> of each month (**Attachment A**), at which time a caseworker will release the WFFA benefits following activity verification. The caseworker will monitor, track, and record A/R work activities and hours.

**Methodology:** Of Two-Parent Households, 90% will meet the participation rate. If the Two-Parent Household is not eligible for BD, or has exhausted BD assistance and are not currently employed, the caseworker will coordinate with local resource partners in providing job training activities. Within one week, a MRA Plan of Action outlining 40 hours of countable activities will be completed for signatures. Countable work activities may be defined, but not limited to the same activities as those listed for One-Parent Households. These activities will be completed prior to the WFFA application being processed. A/R will submit a Time Card by the 5<sup>th</sup> of each month, at which time a caseworker will release the WFFA benefits following activity verification. The caseworker will monitor, track, and record A/R work activities and hours.

Following *pay after performance* guidelines as outlined in the Work First Manual: Section 119 (Work First Benefits), at least one adult must participate to be eligible for benefits. If the A/R's children are all over the age of three months, it is required both parents join in the work search.

**Methodology:** In cases where medical or mental disabilities have led the family to apply for assistance, an immediate referral will be made to Vocational Rehabilitation or to the Social Security Administration Office, at the discretion of the DSS staff. The family must follow through with appointments and recommendations of these agencies in order to receive benefits. Cash assistances will be issued on a monthly basis and the caseworker will meet with these families monthly to review progress.

- **Expand efforts in reducing teen pregnancy in our community**

**Methodology:** Macon County's teen pregnancy rate is right at the state average. 2016 data, extracted from the NC State Center for Health Statistics, indicates Macon County's teen pregnancy rate per 1,000 young women ages 15-19 stands at 28.2 with 63.1% between 18-19 years of age. For comparison, the same data set indicates

that North Carolina's teen pregnancy rate per 1,000 young women ages 15-19 is 28.1 with 50.7% between 18-19 years of age.<sup>3</sup>

Macon County Public Health, Smoky Mountain Pregnancy Care Center, and NFP, and this agency will partner together for the availability of counseling to A/R to place emphasis on the importance of family planning options, neonatal health, and on strong family principles aimed at disrupting the cycle of poverty. This agency will also strongly emphasize the importance of continuing education in support of teen parents receiving a high school diploma as well as continued development of a skill or trade to support their career choice. Assisting eligible teen parents with subsidized child care services only reinforces their school attendance to ensure completion of their education. This strategy is targeted at the promotion of the A/R in becoming self-sufficient and reducing reliance on the welfare system.

## B. Supportive Services

Support services listed above will enable individuals to participate in activities that lead families to self-reliance. Below are additional supportive services that will expand and develop self-confidence in support of A/R participation:

- **Case Management** – Case management means planning, directing and providing services. The caseworker will be responsible for working with families in the assessment, planning, directing and providing of supportive services. Caseworkers will document progress for all Child-Only Families and eligible families that are searching for work. Work First caseworkers and Child Welfare Social Workers will continue to work together to define the responsibilities of each other and strive to improve communication between the agency and the families.
- **Child Care Subsidy Assistance** – this agency continues to prioritize child welfare families in providing subsidized child care services. Through contract negotiations with Southwestern Child Development Commission, our regional subsidy administration agency, Macon County is typically not subject to wait listing for subsidized child care (dependent upon child care subsidy allocations from NC Division of Child Development and Early Education). However, as a rural, mountain community, there is very limited availability for infants and toddlers in child care centers. Work First eligible families and families eligible to receive services based on being below 200% FPL must participate in work or work related activities to ensure they comply with program guidelines. Parent subsidy fees will be assessed by the Child Care Subsidy Caseworker once the parent becomes employed.

<sup>3</sup> Statewide information on the state of adolescent health and helpful resources. Retrieved November 14, 2017, from the Sexual Health Initiatives for Teens (SHIFT) website. URL: <http://www.shiftnc.org/>.

- **Child Protective Services** – Work First and CPS will continue to work collaboratively to ensure the safety of our children and families. Child Welfare Social Workers rely heavily on KIDS Place, Macon County’s Child Advocacy Center (CAC). KIDS Place, a CAC based on the Huntsville Model, is devoted to the protection and well-being of abused and neglected children by providing a safe, non-threatening environment for multi-disciplinary forensic interviewing, medical examinations and counseling. If necessary, supportive court intervention services are also available through KIDS Place. Macon County child welfare staff also work closely with The Baptist Children Homes of NC and Family Care Ministry at the Moody Home in Franklin, NC. Family Care Ministry is designed to provide housing, job search assistance, money management and parenting instruction to single mothers (over 18 years of age) and their children who are homeless or facing homelessness. Each parent must agree to actively seek employment and a permanent place of residency.
- **Streamlining Eligibility Determination and Services**  
Macon County has established a process of determining eligibility for A/R that will serve them more quickly and efficiently. This continuum of services will emphasize intake diversion services, two-week job search for all able-body adults, job development, and referrals (**Attachment B**).
- **Transportation Assistance** – this agency will continue to coordinate with MCT for our Work First families so that they may successfully transition to independence. This agency may offer gas vouchers to A/R with their own transportation in order to complete job searches or until they receive their first paycheck.
- **Work Expenses** – this agency will assess and may provide assistance with non-recurring, work-related expenses such as: work clothes, tools, equipment and uniforms, etc.
- **Participation Expenses** – this agency will continue to assist families with uniforms, books, registration fees, etc. so that they may continue to complete job readiness and locate or continue work; thus maintaining a lower participation rate.
- **Education/Training** – this agency will continue to refer families to education facilities such as Southwestern Community College, Workforce Solutions, WIOA programs, and other agencies for continuing education classes.
- **Domestic Violence Services** – this agency will continue screening and assessing families facing domestic violence (DV). Families found to be in need of DV

assistance will be referred to REACH, our local DV Awareness and Assistance Agency.

- **Human Resource** – this agency will continue to partner with local resources such as Southwestern Community College to help families learn to budget their finances so that they may become self-reliant.
- **Medicaid/Health Choice** - All families are assisted in applying for Medicaid, Health Choice or the Federally Facilitated Marketplace to help with medical expenses and medical insurance for all children under 200% of poverty. Families receiving Medicaid will continue to be eligible for Non-Emergency Medicaid Transportation (NEMT) for eligible services with approved service providers either through a contract with MCT or by receiving gas vouchers if they provide their own transportation to Medicaid covered services.
- **Food and Nutrition Services** – All families are assisted in applying for Food and Nutrition Services.

## VI. ADMINISTRATION

### A. Authority

The Macon County Board of County Commissioners has delegated the administration of the Work First program to the Macon County Department of Social Services. Nothing in the Macon County Electing Plan shall imply an entitlement to any resources or services at the disposal of Macon County and the implementation of the Electing Plan.

### B. Organization

This agency focuses on providing services in the most efficient, customer-friendly and cost-effective manner possible. Macon County has adequate Economic Service staff to meet with the A/R the same day they enter the agency and take an application as needed.

This agency continually assesses the needs of the community and attempts to be responsive to those needs. Employment Services and Eligibility Services are not a consolidated function. The Workforce Center and DSS have developed a plan whereby all applicants for cash assistance will register for work at the Workforce Center. All Workforce Center partners will enhance job searches and job readiness activities for WFFA participants. The partners include Southwestern Community College, WIOA staff with Macon Program for Progress (MPP), and the NC Division of Vocation Rehabilitation. All partners work for the good of the

families and utilize all resources in order to ensure that each WFFA family becomes self-reliant.

This agency will evaluate each family for a one-time cash assistance BD (now optional) not to exceed 3 months cash assistance. BD is intended to be a short-term benefit which may ultimately resolve the crisis for the family.

Crisis Intervention Program (CIP) funds are a means of energy assistance provided to families for a short-term benefit that alleviates the energy crisis such as a utility disconnect notice. The total amount that an A/R may receive in any given fiscal year may not exceed \$600.00. Temporary Assistance to Needy Families - Emergency Assistance (TANF-EA) may also assist 200% FPL families through financial assistance not to exceed \$400.00 in any given fiscal year.

Work First Caseworkers and Social Workers collaborate to provide the best methods to address the situation in the home such as: health, well-being, substance abuse, financial assistance, educational needs or other challenges that stand in the way of self-reliance.

#### **C. Child Care**

As mentioned in the Supportive Services section above (pp. 14-16), this agency continues to prioritize child welfare families in providing subsidized child care services. Work First eligible families and families eligible to receive services based on being below 200% FPL must participate in work or work related activities to ensure they comply with program guidelines. Parent subsidy fees will be assessed by the Child Care Subsidy Caseworker once the parent becomes employed.

#### **D. Transportation**

Services may be available for Work First applicants, active participants, and those recipients that are newly employed for 3 months following date of employment if income is under 200% of FPL. The estimated allocation for this program is not to exceed \$400.00 per household.

Work First A/R falling within 200% FPL with a recent connection to the workforce within the past 3 months may be eligible for \$35.00 in gas vouchers (**Attachment C**) to be used for job search or employment. This assistance shall not exceed 3 vouchers within a fiscal year per household and no more than 1 per month. Work First applicants are to use the gas vouchers for job search or employment, attending orientation or career assessment classes only. Applicants that have received gas vouchers within the past year must meet with the caseworker prior to receiving the voucher. Applicants without available transportation will be

referred to MCT by the intake worker (**Attachment D**). These vouchers will be covered by TANF funds.

Vehicle repairs, solely at the discretion of the Economic Services Supervisor or the Director, may be made for WFFA active participants only if the participant is employed or is newly hired. The vehicle **MUST** be registered in the participant's name and repairs may exceed \$400.00.

#### **E. Substance Abuse Screening**

Substance Abuse Screening will be conducted as required by law by the case worker by completing the DSS-8219 (Attachment E) and the DSS-5325 (Attachment F). At the request of DSS, a Vaya Health contracted substance abuse provider will coordinate with DSS (**Attachment G**) to provide screening, assessments, and referrals for treatment if needed. Non-compliance will result in denial or termination of benefits.

#### **F. Family Violence Option**

Family Violence Option will be provided as required by Federal law. The caseworker will screen applicants using forms DSS-6965 (Attachment H) and for family violence issues and make the appropriate referrals. All applicants are made aware of their right not to participate in Employment Services if employment would place the applicant or applicant's children in danger due to the domestic violence issue via form DSS-6966 (Attachment I). This agency follows all state policies to protect the A/R identity and location.

Procedures for A/R experiencing family violence are as follows:

1. The A/R must read, understand, sign and indicate they wish to speak to someone on the Notification of Family Violence Option form;
2. The caseworkers must refer the A/R for family violence screening or further assessment if they self-disclose, or if there are indicators of family violence present. DSS refers to REACH of Macon County, our local DV Awareness and Assistance Agency to work with domestic violence victims;
3. REACH will administer the screening and assessments for domestic violence; and
4. If the A/R requests a waiver from any Work First requirements, the caseworker will consult with REACH concerning the request before a decision grant waiver is made.



**G. Maintenance of Effort**

1. Maintenance of Effort (MOE) funds will be used for child welfare staffing, child welfare services, Emergency Assistance, and contract services to support employment. MOE for SFY 2018 is budgeted at \$168,596.00.
2. TANF expenditures are budgeted at \$508,100.00 for SFY 2018.
3. Other SFY 2018 budgeted amounts include:

Child Protective Service	\$321,601.00
Work First Cash Assistance	\$20,000.00
Work First EA/Contract Services	\$166,499.00

**H. Child Welfare Services**

Child welfare services utilize the largest portion of Macon County’s TANF Block Grant with the belief that protection of our children and families is protection of the future of our community. Macon County’s community response to child abuse and neglect sets the standards for North Carolina and Macon County DSS remains a leader at the center of formidable partnerships with child and family serving agencies within the region.

**VII. EMERGENCY ASSISTANCE (EA)**

EA cash assistance will be provided to families who meet the eligibility requirements, as stated in the Work First Manual: Section 102 (Short-Term Services and Benefits). Eligibility for this benefit is based on the prudent judgment of the caseworker in consultation with the Economic Services Supervisor when examining the emergency. The maximum payment for Macon County will be \$400.00 per fiscal year. This cap may be re-examined if the county declares a state of emergency due to natural disaster or severe weather. The total amount to be allocated to this program for emergency cash assistance will vary.

EA is designed to assist families with emergency needs and is not intended to meet recurring or ongoing needs. If a family has received EA in a prior fiscal year, the family will be referred to an appropriate, local finance and budgeting education partner agency before approval of EA will be completed. The adult caretaker will be provided an interview and asked to complete a workbook which focuses on family budgeting and job skills. EA applications will not be approved until the adult caretaker meets with the local resource partners and has complied with the services offered. Refusal to comply or fail to keep a scheduled appointment triggers ineligibility for EA assistance for a period of one year.

An emergency is defined as failure to meet a child's basic needs including, but not limited to:

- lack of appropriate housing;
- notice of intent to foreclose;
- court-ordered eviction;
- loss of shelter due to natural disaster or condemnation of property;
- food spoilage due to lack of refrigeration; etc.

The emergency must exist as a result of a situation beyond the control of the adult caretaker including, but not limited to:

- reduction in force (RIF);
- lay-off as a result of plant or facility closure;
- stolen paycheck; or
- unexpected car repairs; etc.

Cash assistance directed at services provided to help meet these emergency situations may include, but not limited to:

- household utilities;
- vehicle repair (at agency discretion); or
- childcare; etc.

No EA will be provided to applicants if the assistance cannot alleviate the stated emergency. EA will not be provided for any medical care, regardless of A/R coverage by Medicaid.

## **VIII. SERVICES TO FAMILIES UNDER 200% FPL**

Services provided to families with income at or below 200% FPL include:

- budgeting;
- supporting job retention;
- strengthening families; and
- promoting healthy development parent/child relationships.

Funds available for this service are limited to \$400.00 per year per household.

Therefore, services are prioritized as:

1. former Work First families (within one year of termination of support);
2. child welfare families; and
3. single incident hardship cases (as determined by the Economic Services Supervisor).

**IX. SERVICES FOR NON-CUSTODIAL PARENTS**

Macon County will not utilize TANF funds to serve non-custodial parents.

**X. WORK REQUIREMENT EXEMPTION**

To be eligible for WFFA, applicants must register with Workforce Center, unless exempt for the following reasons:

- caretaker of a child less than 3 months old;
- DV victim in which participation would place the family at risk;
- Supplemental Security Income (SSI) recipient; or
- caretaker receiving Social Security Disability (SSD) for a non-budget household member or non-parent caretaker in a Child-Only case.

Macon County elects to retain the work requirement policy for single parents of children under the age of three months. This policy will be limited to 3 month exemption per child not to exceed a lifetime maximum of twelve months. The 3 month exemption is in alignment with the Family and Medical Leave Act of 1993.

This work exemption will terminate on the last day of the month in which the child turns 3 months of age. At this point, a single parent will be required to meet with the Work First caseworker to begin their mandatory work requirement activities.

Once the child turns 2 months of age, a child care referral will be made to ensure services will be available at the end of the third month exemption period. If child care placement is unable to be obtained, the parent will be determined to be exempt from work requirement activities until the first available child care opening is secured for a period not to exceed 12 months.

If a medical condition prevents the child from being placed on the first day of the fourth month, the work registration code in NC FAST will accurately note the parent's need to care for an incapacitated person in their home and their 24 month clock will not begin until the household circumstances change.

**XI. INNOVATIVE COUNTY STRATEGIES**

*Intensive job development and job coaching*

Family-centered services are provided to the A/R as a priority of achieving outcomes and goals. Agency staff and local resource partners will provide coaching to overcome obstacles such as: financial budgeting, assisting families to learn to shop within their budget, provide vouchers for consignment clothing shops and thrift stores, etc.

Workforce Center will partner with DSS to provide job searches, job placement, and

determine the type of work role for which the A/R is best suited. The A/R will be assisted in determining financial aid for continuing education, if appropriate.

#### Child-Only case reviews

Reviews for Child-Only cases will be completed every two years unless the following circumstances indicate an earlier review:

- the child reaches 18 years of age;
- the child moves out of the home of the caregiver; or
- the death of the caregiver.

Macon County will forego the first 6 month review as stated in the State Plan and will only review every two years.

#### Provide career assessment for all applicants

SCC will assess skill level of A/R using a standardized Test of Adult Basic Education (TABE) and career choice using the Career Decision Making System (CDMS) in on-site classes. WIOA participants may also attend the classes to meet WIOA eligibility and assessment requirements.

#### Retention Assistance

The agency will provide assistance to working families for up to 3 months after leaving welfare for work.

#### Coordinated Transportation Services

As stated previously under Section V (pp. 15), the agency will coordinate transportation assistance to promote and maintain employment.

#### Time Limits for Working Participants

A/Rs receiving Work First cash assistance for a total of 24 months become ineligible for additional benefits for a period of 36 months following termination, unless granted an extension (not to exceed 60 months assistance in a lifetime). This time limit is a cumulative total that includes time receiving TANF assistance in other NC counties or in other states.

#### Caretakers of infants

The agency is committed to the safety and well-being of Macon County's children. Agency staff will assist caretakers of infants once the child reaches 3 months of age by requiring participation in work, education, or job-readiness activities and assisting with referrals to childcare providers. As with other participants, these caretakers will be referred to job searches and retention services.

#### Services for Mental and Physical Impairments

A/R with declared mental and physical impairments will be referred to VR or the Social Security Administration to participate in a Functional Assessment to determine

assistance eligibility under those programs. The A/R may also be referred to Webster Enterprises for job skills training or to Vaya Health for on-going treatment as needed.

Housing for Urban Development (HUD)

The agency coordinates with HUD which keeps an updated list of subsidized housing in the community. We make appropriate referrals to HUD for our recipients.

Provide information on Food Pantries in our Community

Access to the agency operated Community Resource Center is provided to A/R as a resource to locate local food pantries and any other resources needed to assist families. This one-stop center (housed in the county's old library) assures that participants have access to all resources in the county.

**XII. SPECIAL ISSUES**

As economic conditions may impact any welfare reform effort, the agency will continue to explore creative ways to help families take responsibility for their own safety, for their financial well-being, and for their personal life choices in providing for their children. The agency will continue to place emphasis on assisting families in moving from poverty to greater self-reliance.

**XIII. ELECTING COUNTY ELIGIBILITY CRITERIA**

Macon County will follow criteria established as outlined within the Work First Manual for:

- age limits for children;
- payment levels;
- benefit calculation;
- sanctions;
- resource requirements (limit and countable items);
- change in circumstances;
- citizenship and identity requirements;
- residency requirements; and
- BD requirements.

The North Carolina Work First Standard Plan will be followed except for changes as noted below. Any future statewide policy changes will be reviewed and evaluated before Macon County implements such changes. If changes are made, the Macon County Work First Plan will be amended to incorporate changes.

1. Pay After Performance - all work eligible family participants will be required to participate in countable work and work-related activities and completed satisfactorily in order for this agency to provide to the vendor/vendors a benefit check on behalf of the A/Rs at the end of each month. Vendor payments will be agreed upon by the families and this agency and documented on the signed MRA. Families who fail to complete their required hours as agreed within their MRA are considered to be in non-compliance. Families must complete the required hours to be eligible to receive the benefit assistance.
2. All work eligible individuals are required to actively participate in work and work related activities for a total of 40 hours per week. Participation will be a combination of activities including but not limited to:
  - a. employment;
  - b. subsidized employment;
  - c. vocational training;
  - d. work skills training;
  - e. education;
  - f. work experience;
  - g. mental health and/or substance abuse treatment;
  - h. vocational rehabilitation;
  - i. job readiness / job search activities; or
  - j. other agency approved activities endorsed under this plan.
3. The agency will continue to count earned and unearned income for household members excluding SSI recipients receiving benefits and SSD recipients for non-required budget household members (in Child-Only cases). This agency will follow standard Work First policy in all other areas in order to be in compliance with NC FAST system requirements.
4. All A/R will experience a 3 month ineligibility penalty for each episode of a job quit unless "good cause" is established by the Work First caseworker with approval from the Economic Services Supervisor. The ineligibility period is defined as the month of application and the next three months. An individual may reapply for Work First assistance at any time but is ineligible for benefits during a job quit penalty period. There is no remedy for a job quit penalty once the penalty period begins.
5. Reviews for Child-Only cases will be completed every two years except as noted above in Section XI (pp. 22).
6. In order to receive WFFA, children must live with an adult relative who is within a certain degree of kinship defined as:
  - parent, including a biological mother, father, or adoptive parent;
  - legal father or mother, or step-father or step-mother;
  - an alleged biological or legal father or other alleged paternal relative;

- spouses of the above individuals (that also meet kinship requirements) even if the marriage has been terminated through death or divorce;
- paternal or maternal grandparents, great-grandparents, or great-great-grandparents;
- paternal or maternal uncles or aunts, great uncles or great aunts, great-great uncles or great-great aunts, nephews, nieces, or first cousins;
- brothers, sisters, half-brothers, half-sisters, adoptive brothers, adoptive sisters, step-brothers or step-sisters; or
- other adults who have court ordered legal custody or guardianship of a child.

Biological parents and their relatives are not eligible to receive WFFA for a legally adopted child. This relative must be providing care for the child on a daily basis and be responsible for ongoing decisions regarding the child's well being. A relative who meets the above relationships must be included in the case with the child, unless they are an SSI benefit recipient. This agency will comply with the State Standard Plan of Kinship requirements.

#### **XIV. APPEALS PROCESS**

A public assistance A/R has the right to appeal the decision of the Macon County Department of Social Services or the Board of County Commissioners granting, denying, terminating, or modifying assistance. Each applicant or recipient shall be notified in writing of his or her right to appeal. An example of the appeals rights notification is provided and submitted (**Attachment J**).

This agency will follow the appeals process as stated in G. S. § 108A-79 (**Attachment K**) with the exception of A/R appeals beyond the decision of the local hearing officer as outlined in subsection (g) of the above cited statute, which will be replaced with an impartial two-member team. The Macon County Board of Commissioners will appoint the members of the impartial team.

#### **XV. REVIEW PRIOR TO TIME LIMIT EXPIRATION**

The process by which the agency will review all Work First caseloads prior to expiration of federal and state time limits will follow policy as in the Work First Manual: Section 105 (Federal and State Time Limits).

#### **XVI. FUNDING REQUIREMENTS**

The agency anticipates 100% of its Work First Block Grant will be expended on BD, employment services, TANF EA, 200% FPL services, and child welfare services.

## **XVII. PUBLIC COMMENT PROCESS**

Public comment on this plan may be submitted to Sheila Conley, Economic Services Supervisor, in any of the following manner:

Via mail:

Macon County Department of Social Services  
Attn: WF 19-22  
1832 Lakeside Dr.  
Franklin, NC 28734

Via email:

[sconley@maconnc.org](mailto:sconley@maconnc.org)

Via telephone:

828-349-2124

Via website:

<http://maconnc.org/dss.html> (click public comment button)



**XVIII. CERTIFICATIONS**

**SOCIAL SERVICE BOARD CHAIRMAN CERTIFICATION**

As Chairman of the Macon County Social Service Board, I certify that this Work First Plan was reviewed and endorsed by the Macon County Social Services Board at its regularly held meeting on November 15, 2017.

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Lisa Leatherman, Chairman  
Macon County Board of Social Services

**BOARD OF COUNTY COMMISSIONERS CHAIRMAN CERTIFICATION**

As Chairman of the Macon County Board of Commissioners, I certify that Work First Plan was reviewed and approved by the Macon County Board of Commissioners at its regularly scheduled meeting on December 9, 2017.

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James P. Tate, Chairman  
Macon County Board of County Commissioners

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Planning, Permitting and Development

**SUBJECT MATTER:** Discussion of Sedimentation and Erosion Control Ordinance Grading License revisions

**COMMENTS/RECOMMENDATION:**

Please see the attached document for more details. Planning, Permitting and Development Director Jack Morgan and the County Attorney can provide additional information at the meeting.

Attachments   1   Yes        No

Agenda Item 12B

## **153.?? License Requirements**

### **(A) License Required**

(1) All persons performing any grading or land disturbing activity in Macon County, except those land disturbing activities specifically excluded by this chapter, shall possess either a valid NC State Issued License that authorizes such grading or land disturbing activities or a valid Macon County Grading and Land Disturbance License.

(2) A valid NC State License is required for all grading or land disturbance projects where the single project cost is equal to or more than \$30,000 ( NCGS 87-1). A valid Macon County Grading and Land Disturbance license authorizes the licensee, within Macon County, to conduct Grading and Land disturbance with the single project cost less than the project cost threshold requiring a NC State License.

(3) Any person licensed by Macon County under this section shall carry the Macon County issued license on their person while conducting grading and land disturbance activities within Macon County and present such license to County Officials upon request..

### **(B) Obtaining a Macon County Grading and Land Disturbance License**

(1) Persons desiring to obtain a Macon County Grading and Land Disturbance License must complete the following;

(a) Appear in person at the Administrator's office at 1834 Lakeside Drive in franklin NC

(b) Present a valid Driver's License or a current Photo ID issued by their State of residence.

(c) Take and pass an open book test developed and proctored by the Administrator or other staff members. Details pertaining to taking the test can be obtained from the Administrators office.

(d) Pay a fee of \$100 to take the test, first time license fee is included in this cost.

(e) Any person in possession of a Macon County Grading License that has not been expired more than 18 months prior to the date of the adoption of this section shall only be required to pay the \$25 renewal fee to obtain a Macon County Grading and Land Disturbance License.

### **(C) Maintaining a Valid Macon County Grading and Land Disturbance License**

(1) Every Macon County Grading and Land Disturbing License expires December 31 of each year regardless of the date of issue and must be renewed by completing the following;

(a) Successful completion annually of one of the two, four hour continuing education courses offered by Macon County Department of Permitting and Development, or four or more hours of training annually given by an agency and course approved by the Administrator.

(b) The fee for attending the continuing education course is \$25, this fee includes the annual renewal fee to renew the license. Persons using approved outside sources to fulfill the required four hour annual

continuing education will be required to pay an annual renewal license fee of \$25. A late fee of \$10 a month or portion thereof shall be added to the renewal fee if the License is not renewed before the date of expiration.

(2) Any person in possession of a Macon County Grading and Land Disturbance license that has been expired for more than one year shall follow the requirements to obtain a new license.

**(D) Penalties**

(1) Any persons conducting grading or land disturbance activity that does not possess either a Macon County Grading and Land Disturbance License or a NC General Contractor License authorizing such activity shall be required to pay a \$500 fine. For each day or portion thereof any person continues such activity before complying with the applicable License requirement an additional fine of \$500 will be added to the original fine.

(2) Any person in possession of a Macon County Grading License that is performing any grading or land disturbance activity requiring a Macon County Land Disturbance permit before such permit has been issued shall be issued a Notice of Violation by the Administrator. Any such person receiving two such notices of violation shall have their Macon County Grading and Land Disturbance License revoked for a period of one year. If any person has their Macon County Grading and Land Disturbance revoked for this reason must complete the requirements for obtaining a new license.

**(E) Exception**

(1) This section shall not apply to anyone who is actually performing the grading or land disturbing activity on property they personally own and do not sell or offer to sell or transfer that property to another party for a period of one year after completion of any activity regulated by this ordinance. A signed affidavit shall be required stating the property owner does own the property and will not sell or transfer or offer to sell or transfer this property for the one year period as previously stated. In order to qualify for this exception, the owner must pass a grading contractor and land disturbance license test but will not be required to pay the \$100 fee nor will they be issued a license.

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Macon County Schools

**SUBJECT MATTER:** Request for Qualifications (RFQ) evaluation for architectural services at South Macon Elementary School

### COMMENTS/RECOMMENDATION:

Please see the attached scorecard outlining the selection criteria for "Architectural Design Services to South Macon School" provided by Macon County Schools Superintendent Dr. Chris Baldwin. The County Manager will have additional comments at the meeting. The two additional scorecards contain county Finance ratings.

Attachments   3   Yes        No

Agenda Item 12C

**Architectural Design Services to South Macon School**  
RFQ # 02-8000q

**Selection Criteria**

	<u>Novus</u>	<u>McMillan</u>	<u>Cope</u>
1. Completeness of the response to the RFQ. (10%)	<u>10</u>	<u>10</u>	<u>10</u>
2. Expertise and qualifications of key professional staff and the firm as a whole in the specific areas of architectural design services. (25%)	<u>25</u>	<u>20</u>	<u>18</u>
3. Performance history of the firm and its staff members with Macon County and other clients. (15%)	<u>15</u>	<u>5</u>	<u>10</u>
4. Availability of resources and current workload of the consultant team proposed for this project to meet project deadline. (20%)	<u>18</u>	<u>18</u>	<u>18</u>
5. Proximity to and familiarity with Macon County's schools. (20%)	<u>20</u>	<u>15</u>	<u>15</u>
6. Proposed hourly rates for professional services. (10%)	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<b>TOTAL</b>	<u><u>88</u></u>	<u><u>68</u></u>	<u><u>71</u></u>

**Architectural Design Services to South Macon School**

RFQ # 02-80000q

**Selection Criteria**

	Cope Architecture	McMillan Pazdan Smith	Novus
1. Completeness of the response to the RFQ. (10%)	8	8	8
2. Expertise and qualifications of key professional staff and the firm as a whole in the specific areas of architectural design services. (25%)	25	25	20
3. Performance history of the firm and its staff members with Macon County and other clients. (15%)	10	10	15
4. Availability of resources and current workload of the consultant team proposed for this project to meet project deadline. (20%)	15	15	20
5. Proximity to and familiarity with Macon County's schools. (20%)	15	15	20
6. Proposed hourly rates for professional services. (10%)	0	10	0
<b>TOTAL</b>	<b>73</b>	<b>83</b>	<b>83</b>

**Architectural Design Services to South Macon School**

RFQ # 02-8000q

<b>Selection Criteria</b>	<b>Cope Architecture</b>	<b>McMillan Pazdan Smith</b>	<b>Novus</b>
1. Completeness of the response to the RFQ. (10%)	10	8	10
2. Expertise and qualifications of key professional staff and the firm as a whole in the specific areas of architectural design services. (25%)	25	25	25
3. Performance history of the firm and its staff members with Macon County and other clients. (15%)	14	14	15
4. Availability of resources and current workload of the consultant team proposed for this project to meet project deadline. (20%)	15	15	20
5. Proximity to and familiarity with Macon County's schools. (20%)	18	18	20
6. Proposed hourly rates for professional services. (10%)	0	10	0
<b>TOTAL</b>	<b>82</b>	<b>90</b>	<b>90</b>



**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Emergency Management

**SUBJECT MATTER:** Update on Emergency Communications  
Project

**COMMENTS/RECOMMENDATION:**

**Per Emergency Services Director Warren Cabe:**

1. An update will be provided on the progress of the emergency communications system upgrade, including improvements proposed for the existing UHF system and providing access to the 800 mhz NC VIPER system.
2. Request approval for the proposal from Motorola (attached) to provide GTR8000 expandable site radio subsystem and control stations allowing expansion of the NC VIPER 800 mhz system in Macon County to include channels/talkgroups for emergency service providers and allow full access to the system through the Macon County 9-1-1 Telecommunications Center. Motorola is the sole source provider of compatible equipment that meets NC Department of Public Safety requirements and offers HGACBuy pricing.

Attachments   1   Yes        No

Agenda Item 13A

**Proposal: Macon County, NC**  
**Account Managers: Scott Hopkins & Patrice Reeves**

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## **System Overview- Quote #10003049812**

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In response to a request from Macon County, NC, Motorola is providing pricing for a seven channel 700 MHz GTR 8000 Expandable site radio subsystem with (5) APX7500 Control Stations as detailed below. The GTR8000 radio equipment is anticipated to be utilized with the statewide VIPER P25 radio network. This equipment will replace the Quantar radio equipment currently in use at the Franklin Water Tank site. The Quantar equipment will be redistributed to increase channel resources at other sites serving Macon County.

Site equipment will also include replacement transmit and receive antennas, tower top amplifier system and RF coaxial cable jumpers for connection to the site transmission line systems. The current main transmission lines for transmit and receive antenna systems will remain in place.

The system equipment costs provided are based on the Design Assumptions listed below. Detailed equipment list is included at the end of proposal. Pricing in this proposal is firm.

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### **Pricing**

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<u>GTR8000 Expandable Site Subsystem equipment:</u>	\$284,214.00
<u>Qty (5) APX7500 Control Stations-</u>	\$39,205.00
Subtotal	\$323,419.00
2017 Discount:	\$ -58,216.00
<b>Total Cost:</b>	<b>\$265,203.00</b>

**Note:**

1. Pricing is based off Radio Communication/Emergency Response and Mobile Interoperability Equipment contract through HGAC Contract.

*This offer is valid until 12/13/2017.*

## Design Assumptions

- A seven channel 700 MHz GTR 8000 Expandable site radio subsystem will be provided and installed at the Franklin Water Tank. The system will also include RF coaxial cable jumpers for connection of RF system and antennas with the existing main transmission lines
- Two new antennas are provided as replacements for the current antennas utilized at the site. The new antennas are 700/800 MHz capable. The antennas are rated for Peak Impulse Power levels of 25 KW and are designed to mitigate interference issues pertaining to passive intermodulation.
- Existing Main transmission lines at the Franklin Water Tank site will be reused.
- The VIPER System Manger must approve the addition of the equipment for Macon County. Equipment utilized on the VIPER system will operate on version 7.14 ASTRO P25 system release.
- Macon County shall work directly with VIPER personnel to obtain any working agreements or documentation that may be required regarding use of subscriber or fixed systems connected to the VIPER system.
- It is anticipated that Viper technicians will perform the GTR8000 radio subsystem installation at the Franklin Water Tank site.
- No towers, shelters, generators or UPS devices are included in this ROM.
- Quote assumes adequate physical space, HVAC & electrical service at locations for new equipment

## Detailed Equipment List

QTY	NOMENCLATURE	DESCRIPTION
1	SQM01SUM7054	GTR 8000 EXPANDABLE SITE SUBSYSTEM
1	CA00855AA	ADD: 700/800 MHZ
1	X304AE	ADD: QTY (4) GTR 8000 BASE RADIOS
4	X591AE	ENH: ASTRO 25 SITE REPEATER SW
1	CA01706AA	ADD: ADD: GGM 8000 GATEWAY
1	CA00862AA	ADD: SITE & CABINET RMC W/CAPABILITY OF 7-24 BRS
1	CA00879AA	ADD: PRIMARY 6 PORT CAVITY COMBINER
1	CA00882AA	ADD: 700 MHZ TX FILTER W/PMU
2	CA00303AA	ADD: QTY (1) SITE CONTROLLER
2	CA02219AA	ADD: ASTRO 25 SITE REPEATER SITE CONTROLLER SOFTWARE IV&D
1	X882AH	ADD: 7.5 FT OPEN RACK, 48RU
1	CA02684AA	ADD: AC ONLY POWER DISTRIBUTION
6	DS3500072	NEMA 5-20 TO IEC C15 CORD, 10 FT FOR GTR RACKS
1	SQM01SUM7054	GTR 8000 EXPANDABLE SITE SUBSYSTEM
1	CA00855AA	ADD: 700/800 MHZ
1	X303AE	ADD: QTY (3) GTR 8000 BASE RADIOS
3	X591AE	ENH: ASTRO 25 SITE REPEATER SW
1	CA00877AA	ADD: CABINET RMC FOR EXPANSION RACK
1	CA00880AA	ADD: EXPANSION 6 PORT CAVITY COMBINER
1	CA01058AA	ADD: 700/800 PHASING HARNESS

2	CA00884AA	ADD: QTY (1) XHUB
1	X882AH	ADD: 7.5 FT OPEN RACK, 48RU
1	CA02684AA	ADD: AC ONLY POWER DISTRIBUTION
6	DS3500072	NEMA 5-20 TO IEC C15 CORD, 10 FT FOR GTR RACKS
1	DS428E83I01C110	CONTROL MONITORING UNIT, NON-DIVERSITY, 796-824 MHZ, SNMP,110 VAC
1	DS428E83I01T	TTA, NON-DIVERSITY, 796-824 MHZ, REDUNDANT LNA, TEST PORT, BYPASS
1	DSCC80711	OMNI, CORPORATE COLLINEAR, 10.5DBD, 746-870MHZ, PIM & 25KW PIP RATED
15	L1705	LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
1	DDN1088	L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE
1	DDN1090	L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
4	TDN9289	221213 CABLE WRAP WEATHERPROOFING
5	L1705	LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
2	DDN1088	L4TNM-PSA TYPE N MALE PS FOR 1/2 IN CABLE
1	DS1090501WA	RF SPD, 700-1000MHZ BROADBAND 15 VDC PASS NM ANT, NF EQUIP PIP, ASIG
25	L1702	FSJ4-50B CABLE: 1/2" SUPERFLEX POLY JKT PER FOOT
2	DDN9682	F4PNMV2-HC 1/2" TYPE N MALE PLATED CONNECTOR
1	DSCC80711	OMNI, CORPORATE COLLINEAR, 10.5DBD, 746-870MHZ, PIM & 25KW PIP RATED
15	L1705	LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
2	DDN1090	L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
2	TDN9289	221213 CABLE WRAP WEATHERPROOFING
1	DSTSXD FMBF	RF SPD, 698-2700MHZ DC BLOCK HIGH PWR, DIN FEM/MALE BI-DIR W/ BRACKET
1	DSGSAKITD	GROUND STRAP KIT - DIN
25	L1705	LDF4-50A CABLE: 1/2" LDF HELIAX POLY JKT PER FOOT
2	DDN1090	L4TDM-PSA 7-16 DIN MALE PS FOR 1/2 IN CABLE
5	L30URS9PW1 N	APX7500 SINGLE BAND 7/800
5	G90	ADD: NO MICROPHONE NEEDED
5	CA01598	ADD: AC LINE CORD US
5	G361	ADD: P25 TRUNKING SOFTWARE
5	G51	ENH: SMARTZONE OPERATION APX
5	G806	ADD: ASTRO DIGITAL CAI OPERATION
5	L999	ADD: FULL FP W/05/KEYPAD/CLOCK/VU
5	G78	ADD: 3 YEAR SERVICE FROM THE START LITE
5	HKN6233	ASSEMBLY,ACCESSORY,APX CONSOLETTET RACK MOUNT TRAY HARDWARE KIT

12/4/2017



**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Transit

**SUBJECT MATTER:** Changes to U.S. Department of  
Transportation drug and alcohol testing regulations

**COMMENTS/RECOMMENDATION:**

Macon County Transit Director Kim Angel has been made aware of changes in federal drug and alcohol testing regulations that will become effective January 1, 2018 and is working to revise her local policy to reflect those accordingly. This item was still a work in progress late Monday afternoon and an update will be provided at the meeting.

Attachments \_\_\_\_\_ Yes  No

Agenda Item 13B

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Southwestern Community College

**SUBJECT MATTER:** Lease agreement regarding existing burn building property

### COMMENTS/RECOMMENDATION:

Attached please find the lease agreement between the county and SCC for the 4.277 acres upon which the existing "burn building" sits. The 20-year agreement is set to expire on January 31, 2018, and the County Manager wanted to bring this to the board's attention and start a discussion regarding next steps.

Attachments   1   Yes        No

Agenda Item 13C

NORTH CAROLINA  
MACON COUNTY

THIS AGREEMENT, Made and entered into as of the 24<sup>th</sup> day of February, 1998, by and between MACON COUNTY, a body politic and political subdivision of the State of North Carolina, whose address is 5 West Main Street, Franklin, North Carolina hereinafter referred to in the neuter singular as the Landlord and SOUTHWESTERN COMMUNITY COLLEGE, a body corporate, pursuant to the provisions of Article II of Chapter 115-D of the General Statutes of the State of North Carolina, whose address is 447 College Drive, Sylva, North Carolina 28779, hereinafter referred to in the neuter singular as the Tenant.

**RECITALS**

1. Landlord is the sole owner of the premises described below, and desires to lease the premises to the Tenant;
2. The parties desire to enter into a lease agreement defining their rights, duties and liabilities relating to the premises.

In consideration of the mutual covenants contained herein, the parties agree as follows:

**I. SUBJECT AND PURPOSE**

The Landlord leases the land and the buildings located thereon, lying and being in Cartoogechaye Township, Macon County, North Carolina, and being more particularly described as the Fire Training Center at the Macon County Industrial Park, the same being shown on the plat of the Macon County Industrial Park Subdivision, as Recreation Area "B" Area = 4.277 acres and being more particularly described on Exhibit A attached hereto.

The leased premises shall be utilized by tenant as a place to provide instruction and training and hands-on experience for fire fighter training and for storage purposes.

Tenant accepts the land and buildings hereinabove described in the condition as is, and agrees to use the same in accordance with the purposes hereinabove stated and upon the terms hereinafter set forth.

Tenant shall provide all personnel and equipment necessary to properly utilize the leased premises for the purposes herein expressed.

**II. TERM**

Landlord demises and Tenant takes the above premises for a term of twenty (20) years commencing on the 1st day of February, 1998, and terminating at midnight on the 31st day of January, 2018. Tenant shall have the right at any time and from time to time to cancel the term of this Lease and to surrender the premises in the condition hereinafter provided, by giving to Landlord thirty (30) days written notice of Tenant's intention to terminate.

### III. RENT

Tenant agrees to pay and Landlord agrees to accept as rental for the term of this lease, the sum of One Dollar (\$1.00) payable upon the execution of this agreement. Other good and valuable consideration for this agreement has passed between the parties and shall continue to pass between the parties, in the form of reciprocal leases of areas for recreation, and areas for the training and education of fire fighters, for the benefit of the people of Western North Carolina.

### IV. ALTERATIONS, ADDITIONS AND IMPROVEMENTS

Tenant shall have the right to alter the leased premises so as to make them suitable for the purposes of tenant, provided however, no permanent alterations shall be made and nothing shall be done which will adversely affect the structural condition of the facility.

### V. REPAIRS

Tenant shall, at all times during the Lease (at its own cost and expense), repair, replace and maintain in a good, safe and substantial condition, the leased premises and all improvements located thereon, subject, however, to normal wear and tear from its intended use.

### VI. UTILITIES

All applications and connections for necessary utility services on the demised premises shall be made in the name of the Tenant only, and Tenant shall be solely liable for utility charges as they become due, including those for sewer, water, gas, electricity and telephone services.

### VII. INSURANCE

Neither party shall be required to carry insurance upon the leased premises, but either party shall have the right to do so and all proceeds therefrom shall be payable to the parties hereto, as their interest may appear hereunder.

### VIII. LOSS FROM DAMAGES AND HOLD HARMLESS

A. During the term of this Lease and for such further time that Tenant shall hold the demised premises, Tenant shall be solely responsible for all damage, loss, or liability which might arise from, on account of, or upon the leased premises, or out of Tenant's use thereof. Tenant agrees to hold Landlord harmless from any and all such loss, liability or damage, including costs of defense and attorney fees in connection therewith.

B. The Tenant shall be solely responsible for any costs incurred or levied on the premises for any liability which might arise from the violation of any law, ordinance, or regulation pertaining to environmental protection, during the period of occupancy by the Tenant, and shall hold the Landlord harmless from any and all liability therefor, including costs of defense and attorney fees in connection therewith. Provided, however, Tenant shall not be responsible for any violation of any law, ordinance or regulation concerning environmental protection produced by any cause or effect which came into existence prior to the commencement of the lease term or which are permitted or suffered to exist by Landlord from causes other than Tenant's use and occupancy of the leased premises.



## **IX. UNLAWFUL OR DANGEROUS ACTIVITY**

Tenant agrees that it will utilize the leased premises for only lawful purposes and will not utilize the same in a manner which constitutes a public nuisance. Tenant shall not allow any hazardous or toxic waste to be unlawfully produced or deposited upon the leased premises, other than those produced by the intended use of the premises.

## **X. ASSIGNABILITY**

This Lease may not be assigned by the Tenant without the prior written consent of the Landlord, which consent may be withheld for any reason, or for no reason.

## **XI. DEFAULT OR BREACH**

Each of the following events shall constitute a default or breach of this Lease by Tenant.

1. If Tenant shall fail to perform or comply with any of the conditions of this Lease and if the non-performance shall continue for a period of thirty (30) days after written notice thereof by Landlord to Tenant, or, if the performance cannot be reasonably had within the thirty (30) day period, if Tenant shall not, in good faith have commenced performance within said thirty day period and shall not thereafter diligently proceed to completion of performance,
2. If Tenant shall vacate or abandon the demised premises without cause.

## **XII. EFFECT OF DEFAULT**

In the event of any default hereunder as set forth in Section XI, the rights of Landlord shall be as follows:

Landlord shall have the right to cancel and terminate this Lease, as well as all of the right, title and interest of Tenant hereunder, by giving to Tenant not less than fifteen (15) days notice of the cancellation and termination. On expiration of the time fixed in the notice, this Lease and the right, title and interest of Tenant hereunder, shall terminate in the same manner and with the same force and effect, except as to Tenant's liability under other provisions of this Agreement, as if the date fixed in the notice of cancellation and termination were the end of the term originally determined.

Upon such early termination, all prepaid rent for the remainder of the original term shall be forfeited, but Tenant shall not be responsible for the payment of any additional rent for the use and occupancy of the leased premises.

### **XIII. WARRANTIES AND REPRESENTATIONS**

Landlord warrants and represents to Tenant as consideration for this Lease, that landlord has fee simple title to the leased premises and will defend Tenant's right of possession during the term of this Lease Agreement and any extensions to the Lease Agreement.

Tenant accepts the leased premises in the condition as is, acknowledging that Tenant has had the opportunity to examine the leased premises and is satisfied that the same are fit for the purpose and use intended.

### **XIV. ATTORNEY FEES**

In the event either party to this Lease Agreement is the prevailing party in any litigation arising from this Lease Agreement, that prevailing party shall be entitled to reasonable attorney fees, court costs and any other expenses of the litigation.

### **XV. REMEDIES OF THE LANDLORD AND TENANT**

In the event of a breach or a threatened breach by either party of any of the terms or conditions hereof, Tenant or Landlord shall have the right of injunction to restrain Tenant or Landlord and the right to invoke any remedy allowed by law or in equity, as if the specific remedies of indemnity or reimbursement were not provided herein.

### **XVI. RETURN OF PROPERTY AT TERMINATION**

Upon the termination of this Agreement, or any renewal hereof, Tenant shall return to Landlord, the possession of the leased premises in the same condition as they are received by Tenant, or as they shall have been improved by Tenant, fair wear and tear excepted. Provided, however, that at the termination of this Lease and/or any renewal hereof, Tenant shall have the right to remove any and all improvements to the property made by Tenant, or in the alternative, shall have the right to leave said improvements, whereupon they shall thereafter become the property of and belong to Landlord, free and clear from any subsequent claims of Tenant.

### **XVII. TOTAL AGREEMENT**

This Lease contains the entire agreement between the parties and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto. This Lease and the terms and conditions hereof apply to and are binding on the heirs, legal representatives, successors and assigns of both parties.

### **XVIII. APPLICABLE LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

### **XIX. TIME OF THE ESSENCE**

Time is of the essence in all provisions of this Lease.

**XX. NOTICES**

Any notice required to be given pursuant to the terms of this Agreement shall be deemed properly given when sent by registered mail return receipt requested, to the parties as follows:

**TO LANDLORD:** County Manager  
Macon County Courthouse  
5 West Main Street  
Franklin, North Carolina 28734

**TO TENANT:** Southwestern Community College  
447 College Drive,  
Sylva, North Carolina 28779

Should a change of address occur, the changing party shall have the obligation to notify the other party of such change, and until written notice has been given as herein required, the address above set forth shall suffice for legal notice as herein required.

**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands and seals, the day and year first above written.

**SOUTHWESTERN COMMUNITY COLLEGE**

By: [Signature]  
President 2/24/98

**ATTEST:**  
\_\_\_\_\_  
Secretary  
(CORPORATE SEAL)

**MACON COUNTY**  
By: [Signature]  
Chairman, Board of Commissioners

**ATTEST:**  
[Signature]  
County Manager  
Clerk to the Board



# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Governing Board

**SUBJECT MATTER:** Consent Agenda

### DEPARTMENT HEAD COMMENTS/RECOMMENDATION:

- A. **Minutes** – Consideration of the minutes from the November 14, 2017 regular meeting, per Attachment 14A.
- B. **Finance** – Consideration of budget amendments #92 and #93, per Attachment 14B.
- C. **Tax releases** – There are no November 2017 tax releases for consideration.
- D. **Tax refund** – Consideration of a requested tax refund to Constance Green in the amount of \$1,085. Per Tax Administrator Richard Lightner, the refund is not recommended, as Ms. Green requested a refund on lots that had a survey that was not presented to the tax office until November 15, 2017, thus the refund should be denied under state General Statute 105-287 (c) “change is only effective the following January.” The parcel numbers in question are 7540-15-9198 and 7540-25-1152.
- E. **Ad valorem tax collection report** – No action is necessary. Attachment 14E.

### COUNTY MANAGER’S COMMENTS/RECOMMENDATION:

Attachments   X   Yes        No

Agenda Item 14 (A) (B) and (E)

**MACON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2017  
MINUTES**

Chairman Tate called the meeting to order at 6:02 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

**ANNOUNCEMENTS:** Chairman Tate noted that during a press gathering earlier in the day, Mission Hospital presented a new ambulance to Highlands-Cashiers Hospital. Commissioner Shields recognized David Culpepper, the new council member-elect for the Town of Franklin. The County Manager, County Attorney and the board members briefly discussed the scheduling of a public hearing on the revised grading portion of the county's sedimentation and erosion control ordinance, but took no action. Commissioner Beale reminded the board members that the Southwestern Commission meeting would be held in Franklin on November 27<sup>th</sup>. Commissioner Shields thanked all of those who participated in the Veterans Day parade and the unveiling of the Charters of Freedom monuments.

**MOMENT OF SILENCE:** Chairman Tate asked those in attendance to observe a moment of silence, and Commissioner Beale asked everyone to remember the family of longtime Town of Franklin Council Member Billy Mashburn, who died recently.

**PLEDGE TO THE FLAG:** Led by Commissioner Higdon, the pledge to the flag was recited.

**PUBLIC HEARING ON THE MACON COUNTY COMMUNITY TRANSPORTATION PROGRAM APPLICATION:** Chairman Tate called the public hearing to order at 6:11 p.m. and stated that the hearing is held to allow members of the community the opportunity to comment on transportation needs and the grant application. No one signed up to speak. Chairman Tate then recognized Macon County Transit Director Kim Angel. As the public hearing was designed to cover four separate programs, Ms. Angel addressed each one briefly, beginning with the Section 5311 application. Funds for this

program cover administrative costs, and she noted that \$190,009 was being requested for the next fiscal year (beginning July 1, 2018), with the local match of 15 percent being \$28,501. Next, she said the Section 5310 program involves operating costs, and the total request of \$165,000 requires a 50 percent match of \$82,500, most of which comes from contract revenue generated by the transit service. She then addressed the mobility management project, which is a shared program with the State of Franklin. Ms. Angel said she hoped to have an interlocal agreement between the two organizations for the board's consideration at the next meeting. She explained that the total for the shared position was \$51,600, with only a 10 percent local match at \$5,160, of which the county would pay half. The last program is Capital, which is the biggest of the four with a total of \$265,245, and requires a 10 percent match of \$26,525. Ms. Angel said the request includes three new vans, propane conversion kits for them, a new laptop computer for the mobility manager and parking lot paving. Overall, the request totals \$671,854, with local matching dollars of \$142,686. Mr. Angel pointed out that she had received no written comments from the public in advance of the hearing. Chairman Tate asked if there was anyone who would like to speak about the 5311 Community Transportation Program grant. No one did. Chairman Tate asked if anyone wanted to speak about the 5310 Operating grant, and no one responded. He asked if anyone would like to speak about the Mobility Management grant, and no one did. Finally, he asked if anyone wished to speak regarding the Capital Program grant, and no one responded. Chairman Tate closed the public hearing at 6:23 p.m. Following further comments from Ms. Angel and from the County Attorney, upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve the Public Transportation Program Resolution (FY 2019 Resolution) as presented, a copy of which is attached (**Attachment 1**) and is hereby made a part of these minutes.

**PUBLIC COMMENT PERIOD:** **David Culpepper**, the newly elected council member for the Town of Franklin, asked the board members to contact the North Carolina Department of Transportation (NCDOT) regarding the replacement of the bridge on Belden Circle, requesting a sidewalk along Belden Circle to the newly opened Ingles Supermarket. He also commended the county on the renovation of the Robert C. Carpenter Community Building and noted that the MainSpring Conservation Trust had purchased property that would allow the Little Tennessee River Greenway to be connected to the community building. He told the board that if he could be of any assistance on the latter project to let him know.

**ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA:** Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to make additions to and approve the agenda as adjusted, as follows:

- To add discussion of the Southwestern Community College (SCC) appraisal for the proposed fire safety training complex under Old Business as Item 10(C), per the County Manager.
- To add a brief presentation on the trade program at Franklin High School under Reports and Presentations as Item 9(A), per Commissioner Gillespie.

**TRADES PROGRAM AT FRANKLIN HIGH SCHOOL:** Commissioner Gillespie reminded the board members that about six months ago, they heard a conversation about a joint “trades” program between Franklin High School, SCC and the L.B.J. Job Corps. He said he had spoken to Macon County Schools Superintendent Dr. Chris Baldwin, and the program is “coming to fruition.” He said it appears that dual enrollment of students in both FHS and SCC will work. “We’re going down the road, it looks very favorable,” he said. Commissioner Beale asked what the next step would be, and Commissioner Gillespie said that would be actual enrollment of students, adding that “we have interest from the kids.” No action was necessary.

**DISCUSSION OF THE 2018 REGULAR MEETING SCHEDULE:** Chairman Tate reviewed the board’s recent conversations about the possibility of having regular meetings in Highlands and perhaps Nantahala next year and opened the topic for discussion. Commissioner Beale pointed out that if the board goes to Nantahala, it will need to hold meetings in the other communities as well and asked the County Manager to address the issue. The County Manager noted that by meeting in the boardroom, courthouse security is available and the meetings can be streamed on the Internet, and if some piece of information is needed from a file in a nearby office, it can be easily accessed. There was discussion of a meeting location in Highlands, but Commissioner Tate said he sensed that the “pros” of moving the meeting did not outweigh the “cons.” Commissioner Higdon said he felt the board would need to “show respect” to Nantahala if it decides to hold a meeting in Highlands. After further discussion, the consensus of the board was to “stay here,” and upon a motion by Commissioner Higdon, seconded by Commissioner Shields, the board voted unanimously to schedule its 2018 regular meetings for the second Tuesday of each month at 6 p.m. in the commission boardroom on the third floor of the Macon County Courthouse in Franklin.

**CHANGE ORDERS FOR THE ROBERT C. CARPENTER COMMUNITY BUILDING:** The County Manager and Tom Ritter with Ritter Architecture provided brief overviews of the proposed change orders for the Robert C. Carpenter Community Building. The first one was from Arrowood Construction, LLC, and included a number of items at an additional cost of \$12,462, raising the contract total to \$309,583. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted

Minutes

11.14.17

Page 3 of 7



unanimously to approve Change Order Number 2 from Arrowood Construction as presented, a copy of which is attached (Attachment 2) and is hereby made a part of these minutes. The second change order was from Bryson Enterprises, LTD, which covered additional asphalt for the new lane at the traffic light and for paving of an additional area where a concrete slab was removed at the north side of the building. The additional cost was \$2,586.80, bringing the new contract amount to \$112,807.45. Upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to approve Change Order Number 001 from Bryson Enterprises as presented, a copy of which is attached (Attachment 3) and is hereby made a part of these minutes.

**APPRAISAL FOR FIRE TRAINING COMPLEX SITE:** The County Manager informed the board that he learned just today of the appraisal performed on behalf of SCC for the proposed fire safety training complex located off of Siler Road. SCC President Dr. Don Tomas told him it was \$386,000, compared to the one performed on the county's behalf that came back at \$375,000. The County Manager said he needed board consensus to take the next step in the process by sending both appraisals to the state for approval, and it was granted without a formal vote.

**AGREEMENT TO PROVIDE RECREATION OPPORTUNITIES WITH READ2ME:** Following an explanation by the County Attorney and additional comments by Brittney Lofthouse, upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to approve as presented an "Agreement to Provide Recreation Opportunities" with Read2Me that will allow for the installation and maintenance of 13 additional story walk reading boards along a stretch of the Little Tennessee River Greenway north of the dog park. A copy of the agreement is attached (Attachment 4) and is hereby made a part of these minutes.

**CONSENT AGENDA:** Following a brief question and answer session with Diane Keener from Macon County Public Health regarding changes in the department's fee schedule, upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the October 10, 2017 regular meeting; the following budget amendments: #67 for the Sheriff's Department to allocate \$28,000 in donations for the K9 Unit; #68 for the Housing Department to allocate \$10,500 received from a PNC Healthy Housing Grant; #69 for the Solid Waste Department to allocate \$3,851 in insurance settlement funds; #70 for Emergency Services to appropriate a \$100,637 fund balance to disburse funds to the fire districts from the 2016 wildfire reimbursement from the State of North Carolina. (Funds were shown as accounts receivable in the last fiscal year, allowing this to be an appropriation from fund balance); #71 for the Health Department to account for a \$7,105 decrease in Healthy

Minutes

11.14.17

Page 4 of 7



Mothers/Healthy Children Block Grant funds; #72 for the Health Department to account for a decrease of \$3,500 in Healthy Mothers/Healthy Children Block Grant funds; #73 for the Health Department to appropriate \$9,000 due to increased demand for flu vaccines; #74 for the Health Department regarding a BCCCP Agreement Addendum for Fiscal Year 18 which awarded \$20,655 to the county -- \$8,670 less than what was originally budgeted; #75 for the Health Department regarding a decrease of \$2,641 in Wisewoman revenue; #76 for the Health Department to allocate \$43,500 in new grant money for the Medical Access Program; and #77 for the Health Department to allocate \$80,130 in additional Fiscal Year 16 cost settlement revenue. (Copies of the amendments are attached); tax releases for the month of October in the amount of \$991.36. (Copies of the releases are on file in the Deputy Clerk's office); a tax refund to Edward J. Moore in the amount of \$393.94 following the settlement of a tax appeal case before the state Property Tax Commission as recommended by Tax Administrator Richard Lightner; a list of fee changes at Macon County Public Health as approved by the Macon County Board of Health on October 24, 2017 (a copy of the list is attached); monthly ad valorem tax collections report (no action necessary).

**APPOINTMENTS:** (1) **Highlands Tourism Development Committee:** (A) Following a recommendation by the Highlands Tourism Development Committee and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to appoint Brian Stiehler, a Town of Highlands Commissioner who will serve as the town's representative on the committee, along with Laura Huerta representing Lakeside Restaurant, who will be an at-large member of the committee. (2) **Planning Board:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to appoint Town of Highlands Planner/Zoning Administrator Andrew Bowen as the Highlands area representative on the Macon County Planning Board. (3) **Community Funding Pool:** The County Manager first gave a brief history lesson, explaining that the task force was initially a 12-member board where two-thirds of the members represented non-profit organizations, with four of those eight seats being designated for specific non-profits. He noted that one of those, the Volunteer Council of Franklin, no longer existed. He told the board that he was now recommending a 13-member board to develop recommendations for the commissioners on how to allocate \$75,000 in annual funding. He also recommended moving REACH of Macon County into the designated non-profit member slot vacated by the Volunteer Council. By moving to 13 members, the County Manager said it would allow for five community representatives on the task force and have a two-fold benefit – better balance and no tie votes. He said he and the County Attorney had discussed drawing up a set of by-laws for the reconstituted body. He then listed each of his 13 recommendations for appointment to the task force, and suggested the board take two votes, one to consider the changes he

Minutes

11.14.17

Page 5 of 7

recommended and the other to make the appointments. Following additional discussion, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to increase the size of the Community Funding Pool task force to 13 and make REACH the fourth specifically designated non-profit seat on the task force. Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted to appoint the following individuals to the Community Funding Pool task force:

Representing the four designated non-profit agencies:

- Patrick Betancourt for Macon Program for Progress
- Robert Smith for the Peggy Crosby Center
- Andrea Anderson for REACH of Macon County
- An unnamed representative of the Macon County Community Foundation (pending final approval)

Representing the other four non-profit agencies:

- Emily Ritter for the March of Dimes
- Tyler Shook for the Rotary Club
- Rick Westerman for Habitat for Humanity
- Diane Cotton for Read2Me

The five community representatives will be:

- Shelia Jenkins
- Bobbie Contino
- Kyle Garner
- Karen Wallace
- Jennifer Jones

**CLOSED SESSION:** At 7:21 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session for the purpose of preserving the attorney-client privilege and to discuss the acquisition of real property. (NOTE: Chairman Tate had to leave the meeting prior to the end of the closed session.) At 8:19 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted 4-0 to come out of closed session and return to open session. No action was taken.

**ADJOURN:** With no other business, and at 8:20 p.m., upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to recess the meeting until Tuesday, November 28, 2017 at 6 p.m. at the Robert C. Carpenter Community Building located at 1288 Georgia

Road in Franklin, primarily for the purpose of holding a joint meeting with the Franklin Town Council and the Town of Highlands Board of Commissioners.

---

Derek Roland  
Ex Officio Clerk to the Board

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Jim Tate  
Board Chairman





MACON COUNTY MONTHLY  
AD VALOREM TAX COLLECTIONS REPORT

Nov-17

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	13972321.16	3690.29	-771.47	-10.05	13975229.93	-3931503.2	24083.45	4064.75	-3903355	10071874.93
Fire Districts	1811720.2	744.54	-124.89	-1.14	1812338.71	-551559.93	0	164.93	-551395	1260943.71
Landfill User Fee	1399542.54	0	-95	-0.35	1399447.19	-479508.37	0	190	-479318.37	920128.82
Totals	17183583.9	4434.83	-991.36	-11.54	17187015.83	-4962571.5	24083.45	4419.68	-4934068.37	12252947.46

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	0	26894302.25	-15292.03	-1242.15	26877768.07	-16863266.24	43359.6	14013.5	-16805893.1	10071874.93	62.53
Fire Districts	0	3232557.97	-1781.49	-194.9	3230581.58	-1970117.13	1.76	477.5	-1969637.87	1260943.71	60.97
Landfill User Fee	0	2540300	-2375	-11.81	2537913.19	-1618997.37	0	1213	-1617784.37	920128.82	63.74
Totals	0	32667160.22	-19448.52	-1448.86	32646262.84	-20452380.74	43361.36	15704	-20393315.4	12252947.46	62.47

62.53% collected in 2017 general taxes, late listing penalty, discoveries and deferred taxes as of 11/30/2017 as compared to 61.36% collected as of 11/30/16

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Governing Board

**SUBJECT MATTER:** Appointments

**COMMENTS/RECOMMENDATION:**

**(A) Community Funding Pool** – Please see the attached application from Karen Stiwinter to fill the remaining slot on the task force

Attachments   1   Yes        No

Agenda Item 15(A)

Print Form

# Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office  
5 West Main Street  
Franklin, North Carolina 28734

or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Community Funding Pool

Name Karen M. Stiwinter

Address 481 Franklin Farm RD City Franklin NC NC Zip 28734

Telephone: Home 828.524.5200 Work 828.369.9629

Occupation Accountant, Income Tax Professional

Business Address Same as above

Email Address Karen@stiwintertax.com

Briefly explain any anticipated conflict of interest you may have if appointed:  
NONE

Educational Background  
BSBA WESTERN CAROLINA UNIVERSITY

Business and Civic Experiences/Skills:  
over - I AM AN AVID SUPPORTER OF PHILANTHROPY, ESPECIALLY RURAL

Areas of Expertise and Interest/Skills:  
My Education and work skills provide me with understanding financial reports discerning financial needs. Previous grant committee experience.

List any Authorities, Boards, Commissions or Committees presently serving on:  
over

SIGNATURE: Karen M Stiwinter

DATE: 11-17-17



## Business and Civic Experiences / Skills

2012-2017 NATIONAL BOARD MEMBER - NATIONAL ASSOCIATION OF TAX PROFESSIONALS

2006-2011 Bd MEMBER - NC CHAPTER NATIONAL ASSOCIATION OF TAX PROFESSIONALS

FORMER PRESIDENT, TREASURER, HOLLY SPRINGS COMM. DEVELOPMENT CLUB

FORMER PRESIDENT COMMUNITY DEVELOPMENT COUNCIL, MACON COUNTY

FORMER SECRETARY, I-HS BOOSTER CLUB

### Currently Serving on:

Bd MEMBER MACON COUNTY AFFILIATE, NC COMMUNITY FOUNDATION  
HAVE SERVED AS SEC/TREAS. VP, AND PRESIDENT  
SERVED ON ITS GRANT COMMITTEE

Bd MEMBER (STATEWIDE) NC COMMUNITY FOUNDATION.

CURRENTLY SERVING ON AUDIT AND GRANT COMMITTEES.

TRUSTEE, JENNINGS CEMETERY, HOLLY SPRINGS BAPTIST CHURCH

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** December 12, 2017

**DEPARTMENT/AGENCY:** Governing Board

**SUBJECT MATTER:** Closed Session

**COMMENTS/RECOMMENDATION:**

The County Manager has indicated there will be a need for a closed session.

Attachments \_\_\_\_\_ Yes  X  No

Agenda Item 16

## Table of Contents

A. PURPOSE.....	2
B. APPLICABILITY .....	2
C. DEFINITIONS.....	3
D. EDUCATION AND TRAINING .....	8
E. PROHIBITED SUBSTANCES.....	9
F. PROHIBITED CONDUCT .....	10
G. DRUG STATUTE CONVICTION.....	11
H. TESTING REQUIREMENTS .....	11
I. DRUG TESTING PROCEDURES .....	12
J. ALCOHOL TESTING PROCEDURES.....	14
K. PRE-EMPLOYMENT TESTING .....	15
L. REASONABLE SUSPICION TESTING .....	17
M. POST-ACCIDENT TESTING.....	18
N. RANDOM TESTING.....	20
O. RETURN-TO-DUTY TESTING.....	21
P. FOLLOW-UP TESTING .....	21
Q. RESULT OF DRUG/ALCOHOL TEST.....	22
R. GRIEVANCE AND APPEAL.....	24
S. PROPER APPLICATION OF THE POLICY.....	24
T. INFORMATION DISCLOSURE.....	24
Attachment A – Covered Classifications .....	27
Attachment B - Contacts .....	28

**DRUG AND ALCOHOL TESTING POLICY**  
**Macon County Transit**  
**Adopted as of [MONTH DD, YEAR]**

**A. PURPOSE**

- 1) Macon County Transit provides public transit and paratransit services for the residents of Macon County, NC. 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, Macon County Transit 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 Macon County Transit and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Macon County Transit 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.

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.

*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

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.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value 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:

- (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.
- (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.
- 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 Macon County Transit 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 such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. Under Macon County Transit authority, a non-

DOT alcohol test can be performed anytime a covered employee is on duty.

## **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.

- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Macon County Transit, 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 Macon County Transit 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 or while on **Macon County Transit** business.

#### **G. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Macon County Transit 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 or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Macon County Transit'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 Macon County Transit. 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) 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 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 found, the test will be verified positive or refusal to test and reported to Macon County Transit. 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 under paragraphs L through P of this policy 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. Macon County Transit will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Macon County Transit 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 Macon County Transit that there was not an adequate medical explanation for the result;



- ii. The MRO reports to Macon County Transit 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 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) Macon County Transit 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 canceled 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 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, Macon County Transit 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 *Macon County Transit* 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. *Macon County Transit* 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 Macon County Transit 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 Macon County Transit 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 Macon County Transit'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) Macon County Transit 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  
Macon County Transit.

- 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. Macon County Transit 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 Macon County Transit. **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:
  - i. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
  - ii. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed 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 Macon County Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Macon County Transit 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.

Under Macon County Transit's own authority, covered employees shall submit to a NON-DOT post-accident drug test, regardless of fault, when one of the following applies:

- i. One of the vehicles in the accident receives damage.

- ii. There is a personal injury requiring immediate medical attention or a worker's compensation claim is filed.
- iii. A covered employee is cited for a moving traffic violation as a result of an accident.

## **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 Macon County Transit 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 Macon County Transit'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**

Macon County Transit 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. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. 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.

## **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.
- 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  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of 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 Macon County Transit 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 Macon County Transit 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.**

- 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 Macon County Transit.
  - 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**

Macon County Transit 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 Macon County Transit 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 Macon County Transit 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 *Macon County Board of Commissioners* on December 12, 2017.

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Derek C Roland, County Manager  
Macon County

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James P Tate, Chairman  
Macon County Board of Commissioners

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Kimberly P Angel, Transit Director  
Macon County Transit

**Attachment A – Covered Classifications**

**Macon County Transit—Administration Covered Classifications**

<b><u>Title</u></b>	<b><u>Testing Authority</u></b>
Transit Director	Federal Transit Administration
Assistant Transit Director	Federal Transit Administration
Administrative Support Assistant	Federal Transit Administration

**Macon County Transit— Job Classifications**

<b><u>Title</u></b>	<b><u>Testing Authority</u></b>
Scheduler	Federal Transit Administration
Transit Operator	Federal Transit Administration
Director of Fleet Management	Federal Transit Administration
Mechanic	Federal Transit Administration
Landfill Mechanic	Federal Transit Administration
Operations Supervisor	Federal Transit Administration

## **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).

### **Macon County Transit Drug and Alcohol Program Manager:**

Name: Kim Angel

Title: Transit Director

Address: 36 Pannell Ln, Franklin NC 28734

Telephone Number: 828-349-2222

Fax Number: 828-349-2570

### **Urine Collection Facility**

Name: Macon County Health Department

Contact Person: Mary Queen

1830 Lakeside Drive, Franklin NC 28734

Telephone Number: 828-349-2081

Fax Number:

### **Breath Alcohol Testing**

Name: Macon County Health Department

Contact Person: Mary Queen

Address: 1830 Lakeside Drive, Franklin NC 28734

Telephone Number: 828-349-2081

Fax Number:

### **Consortium / Third Party Administrator**

Name: Wolfe Inc.

Contact Person: Heather Williams

Address: 681 Cabarrus Avenue W. Concord, NC 28027

Telephone Number: 1-800-451-3743

Fax Number: 704-784-2624

### **Medical Review Officer**

Name: Charlton Owensby, MD

Title: Medical Review Officer

Address: Caromont Occupational Medicine

3700 Moorland Dr.

Charlotte, NC 28226

Telephone Number: 1-800-381-4718

Fax Number: 919-490-1010

## **Attachment B - Continued**

### **Back-up Medical Review Officer**

Name: Marsha Kennedy  
Title: Medical Review Officer Assistant  
Address: 681 Cabbarus Ave. Concord, NC 28025  
Telephone Number: 1-800-451-3743  
Fax Number: 704-743-2016

### **Substance Abuse Professional**

Name: Z. Gary Wright, Western EAP, Inc.  
Title: Psychologist  
Address: P.O. Box 718 Glenville, NC 28736  
Telephone Number: 1-828-399-0134

### **DHHS Certified Laboratory Primary Specimen**

Name: LabCorp  
Address: 1904 Alexander Drive, RTP, NC 27709  
Telephone Number: 1-888-2890-1150

### **DHHS Certified Laboratory Split Specimen**

Name: Clinical Reference Laboratory  
Address: 8433 Quizera Rd.  
Lenexa, KS 66215  
Telephone Number: 1-800-445-6917