



**BOARD OF COMMISSIONERS REGULAR MEETING
DRAINAGE AUTHORITY REGULAR MEETING**

Tuesday, July 2, 2024 9:00 A.M.

**Jackson County Courthouse, Commissioners Board Room
405 Fourth Street Jackson, MN**

- 9:00 a.m. Call Board of Commissioners' Meeting to Order
1.1. Pledge of Allegiance
1.2. Adoption of Agenda
- 9:00 a.m. New Employee Introductions - None
- 9:01 a.m. Consent Agenda
2.1. Board Action – Approve June 18th, 2024 Board of Commissioner
 Regular Meeting Minutes
2.2. Board Action – Approve June 18th, 2024 Board of Equalization
 Meeting Minutes
2.3. Board Action – Approve June 25th, 2024 Emergency Board of
 Commissioner Meeting Minutes
2.4. Board Action – Approve Claims
2.5. Board Action – Library Board Appointment
2.6. Board Action – SAP 032-623-027 Contract and Bond
2.7. Board Action – Affirm June 22nd, 2024 Local Declaration of a
 State of Emergency
2.8. Board Action – 2024 Confession of Judgement Report as
 required per MN State Statute # 279.37 subd. 3-5
- 9:02 a.m. Citizen/Stakeholder/Organization
3.1. Public Appearances - Jon Wilson - Minnesota State House of
 Representatives Candidate - District 21B
- Unscheduled County Attorney, Kristi Meyeraan
4.1. Board Action – County Attorney Staffing Plan
- Unscheduled County Administrator, Ryan Krosch
5.1. Board Action – Employee Policy Handbook Revisions

Unscheduled

Committee and Board Reports

Adjourn Commissioners' Meeting

Unscheduled

Call the Drainage Authority Meeting to Order

1.1. Adoption of Agenda

Consent Agenda

2.1. Board Action – Approve June 4th, 2024 Drainage Authority
Regular Meeting Minutes

Unscheduled

Drainage Coordinator, Kelly Rasche

3.1. Board Action – JD 8 Phase 2 Repair CRP Contract Buyout
Reimbursement

Adjourn Drainage Authority Meeting

PROCEEDINGS OF THE COUNTY BOARD OF JACKSON COUNTY, MINNESOTA

June 18, 2024

The Jackson County Board of Jackson, Minnesota met in regular session, in the Jackson County Courthouse, Commissioners’ Board Room, City of Jackson, Minnesota, on June 18, 2024. The following members of the Jackson County Board of Commissioners were present: Don Wachal, Roger Pohlman, Scott McClure, Phil Nasby and James Eigenberg. County Administrator, Ryan Krosch and Assistant to the Administrator, Brandi Bourquin were also in attendance.

CALL TO ORDER

Chair Wachal called the meeting to order at 4:30 p.m. and led the Pledge of Allegiance.

Motion was made by Commissioner McClure and seconded by Commissioner Nasby to adopt the agenda. The motion carried unanimously.

EMPLOYEE INTRODUCTIONS

Kelly Mitchell, Chief Deputy Sheriff, introduced new Deputy Sheriff, Keenan Ambrose.

CONSENT AGENDA

Motion was made by Commissioner Pohlman and seconded by Commissioner Eigenberg to approve the following Consent Agenda items:

Board Action 24-098 – Approve June 4, 2024 Board of Commissioners’ Regular Meeting Minutes.

Board Action 24-099 – Approve all Commissioner disbursements in accordance with Minnesota Statutes 130.01 subd. 4(b), recorded on warrants numbered 106563-106742 in the amount of \$5,536,390.62 for the following funds: Revenue, \$72,950.53; Public Works, \$505,008.62; Fleet Management, \$72.54; Debt Service, \$783,548.96; 2013A GO Capital Improvement Bonds, \$12,924.85; Ditch, \$361,042.66; Insurance Trust, \$373.00; Revolving Loan, \$30.00; Agency, \$2,964.00; Library, \$5,900.10; and Taxes & Penalties, \$3,791,575.36. A detailed list of claims paid is available at the Auditor/Treasurer’s office upon request.

Vendor	Total
Jackson/City Of	1,221,042.35
Us Bank St Paul	1,080,945.63
Lakefield/City Of	539,461.43
Ziegler Inc.	448,731.28
Kimball Township	157,748.48
Heron Lake/City Of	155,821.81
Red Rock Rural Water Systems	152,707.91
Enterprise Township	108,293.65
Heron Lake Township	99,803.37
Ewington Township	87,817.84
Round Lake Township	83,972.23
Petersburg Township	79,512.57
Sioux Valley Township	78,928.40
Hunter Township	77,595.33
Town of Alba	72,538.68
Wisconsin Township	72,024.56
West Heron Lake Township	69,910.66
Heron Lake Watershed District	63,583.02
I & S Group Inc	62,910.51
Rost Township	60,725.05

Des Moines Township	59,072.98
Delafield Township	58,519.71
Okabena/City Of	54,859.83
Middletown Township	50,114.79
Belmont Township	48,407.52
Minneota Township	46,926.23
Christiania Township	46,239.69
La Crosse Township	45,539.45
Alpha/City Of	37,738.80
Weimer Township	35,468.77
Southwest Regional Development Comm	32,020.54
Lincoln Pipestone Rural Water	30,028.08
Wilder/City Of	29,775.93
Iowa Lakes Regional Water	23,414.14
Wold Architects And Engineers	11,209.78
Red Rock Quarry, Inc.	9,659.31
Duininck, Inc.	8,305.78
CORPORATE PAYMENT SYSTEMS	8,239.68
Federated Rural Electric Association	7,629.93
Institute For Envir Assessment Inc	7,438.78
Verde Outdoor Media LLC	6,500.00
Advanced Health Safety and Security LLC	6,362.50
Paape Distributing Co.	4,950.00
Jackson Co Central School District 2895	4,411.78
CRYSTEEL MANUFACTURING INC.	3,728.11
Rapp Strategies, Inc	3,600.00
KLJ Engineering LLC	3,447.31
Sanford Health - Sioux Falls	3,087.92
Jackson Co Auditor-Treasurer	3,080.00
Treasury Division Of Mn Dept Of Finance	2,921.50
Amazon Capital Services	2,883.26
Tri-State Pump & Control Inc	2,762.50
Sw Mn Workforce Council	2,730.00
West Central Communications, Inc	2,653.39
Shorewood Acres Sanitary District	2,625.00
Southwest Crisis Center	2,500.00
Verizon Wireless	2,431.02
Nila Olson	2,214.00
S & J Cleaning	2,150.00
Total Claims Over \$2000	5,489,722.77
110 Claims Under \$2000	46,667.85
Total Claims Submitted	5,536,390.62

Board Action 24-100 – Accept donations in the amount of \$2,427.00 for the Take a Kid Fishing event held annually by the Jackson County Sheriff's Office.

Board Action 24-101 – Approve temporary on-sale liquor license applications for the Jackson County Agricultural Society with one application/permit valid from July 23-26, 2024 and the second application/permit valid from July 27-28, 2024 at the Jackson County Fairgrounds.

Board Action 24-102 – Approve the contract and bond for SAP 032-599-114.

The motion carried unanimously.

COUNTY ADMINISTRATOR

Motion was made by Commissioner Eigenberg and seconded by Commissioner Wachal to adopt Resolution 24-011 – Resolution calling for an election on a sales and use tax to finance a law enforcement center and government center project. The motion carried unanimously.

County of Jackson)
) SS.
State of Minnesota)

RESOLUTION 24-011
CALLING FOR AN ELECTION ON A SALES AND USE TAX TO FINANCE
A LAW ENFORCEMENT CENTER AND GOVERNMENT CENTER PROJECT

BE IT RESOLVED by the Board of Commissioners of the County of Jackson, Minnesota (the “County”), as follows:

1. Project. The Board of Commissioners (the “County Board”) does hereby find, determine and declare that it is desirable to proceed with the construction of a law enforcement center and government center in the County (the “Project”), as set forth in the proposed ballot. Sales and use tax revenues shall be pledged to pay the costs of collecting and administering the tax and paying up to \$39,000,000 for the Project, plus an amount needed for securing and paying debt service on bonds issued to finance the Project, as set forth in the proposed ballot if approved by the voters.
2. Election. The proposition of imposing a sales and use tax for said purpose shall be submitted to the qualified electors of the County at an election to be held on Tuesday, November 5, 2024. The election shall be held during the hours and at the polling places designated in accordance with law.
3. Notice and Ballot. The County Administrator is hereby authorized and directed to notify the County Auditor prior to August 23, 2024, to submit the ballot question to voters at the election held on November 5, 2024. The County Auditor is authorized and directed to take all necessary steps to place the ballot question on the November 5, 2024, general election ballot in accordance with applicable law. The ballot shall be in substantially the following form:

OFFICIAL
ELECTION BALLOT

COUNTY OF JACKSON
MINNESOTA

INSTRUCTION TO VOTERS:

To vote in favor of a question below, fill in the oval next to the word "YES" on that question. To vote against a question below, fill in the oval next to the word "NO".

QUESTION NO. 1 JACKSON COUNTY LAW ENFORCEMENT CENTER AND GOVERNMENT CENTER SALES TAX

<p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>	<p>“Shall Jackson County impose a sales and use tax of one percent (1.0%) for no more than 25 years or until an amount sufficient to pay project costs and associated bonding costs are raised, whichever comes first, to finance the construction of a law enforcement center and government center in the County?”</p>
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4. Manner; Canvass. The election shall be held and conducted in accordance with the applicable statutes of the State of Minnesota, and the County Board shall meet as required by law for the purpose of canvassing the election and declaring the results thereof.

Motion was made by Commissioner Pohlman and seconded by Commissioner Nasby to adopt Board Action 24-103 – Approve a \$25,000 appropriation to Rebuilding Together Minnesota for use on home repair programs in Jackson County with the funds coming from the County's 2023 Statewide Affordable Housing Aid. The motion carried unanimously.

BOARD REPORTS

Commissioner McClure reported on meetings/events involving DVHHS, Jackson/Nobles Joint Drainage, Extension, Minneota Township, and AMC District Meeting.

Commissioner Nasby reported on meetings/events involving Extension, Prairie Ecology Bus, DVHHS, FSN, AMC District Meeting, Southern Minnesota Adult Mental Health Consortium, and the Community Health Improvement Plan Celebration.

Commissioner Pohlman reported on meetings/events involving DVHHS, Plum Creek, Blue Earth River One Watershed/One Plan Policy Committee, and AMC District Meeting.

Commissioner Eigenberg reported on meetings/events involving Jackson/Nobles Joint Drainage, Jackson Airport Zoning Board, Fort Belmont, and AMC District Meeting.

Commissioner Wachal reported on meetings/events involving Primewest, Fair Board, DVHHS, AMC District Meeting, MCIT, and PIC.

ADJOURN

Motion was made by Commissioner Nasby and seconded by Commissioner Wachal to adjourn the meeting at 4:55 p.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF COMMISSIONERS

Board Chair

ATTEST:

Ryan Krosch, County Administrator

**PROCEEDINGS OF THE COUNTY BOARD OF EQUALIZATION OF JACKSON COUNTY,
MINNESOTA
June 18, 2024**

The Jackson County Board of Equalization of Jackson, Minnesota met in regular session, in the Jackson County Courthouse, Commissioners' Board Room, City of Jackson, Minnesota, on June 18, 2024. The following members of the Jackson County Board of Equalization were present: Commissioner, Don Wachal; Commissioner, Roger Pohlman; Commissioner, Scott McClure; Commissioner, Phil Nasby; Commissioner, James Eigenberg; and Auditor/Treasurer, Kevin Nordquist. County Administrator, Ryan Krosch, County Assessor, Karla Ambrose and Assistant to the Administrator, Brandi Bourquin were also in attendance.

The Board of Equalization completed an oath to fairly and impartially perform their duties.

CALL TO ORDER

Chair Wachal called the meeting to order at approximately 6:30 p.m. and led the Pledge of Allegiance.

Motion was made by Commissioner Eigenberg and seconded by Commissioner Wachal to adopt the agenda. The motion carried unanimously.

Pursuant to Minnesota Statute 274.135 there must be at least one member at each meeting of a county board of appeal and equalization who has attended an appeals and equalization course developed or approved by the Commissioner of Revenue within the last four years. Commissioner Eigenberg, Commissioner Pohlman, Commissioner Nasby, Commissioner Wachal and Auditor/Treasurer Nordquist have completed the training and are currently certified.

County Assessor, Karla Ambrose presented the 2024 assessment review.

There were no scheduled appeals and no members of the public in attendance for unscheduled appeals or questions.

There were no local board appeals deferred to the board for approval.

ADJOURN

Motion was made by Commissioner Nasby and seconded by Commissioner Pohlman to adjourn the meeting at 7:01 p.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF EQUALIZATION

Board Chair

ATTEST:

Ryan Krosch, County Administrator

PROCEEDINGS OF THE COUNTY BOARD OF JACKSON COUNTY, MINNESOTA

June 25, 2024

The Jackson County Board of Jackson, Minnesota met in an emergency session, in the Jackson County Courthouse, Commissioners’ Board Room, City of Jackson, Minnesota, on June 25, 2024. The following members of the Jackson County Board of Commissioners were present: Don Wachal, Scott McClure, Phil Nasby, James Eigenberg. Commissioner Roger Pohlman participated by telephone per Minnesota Statute 13D.021. County Administrator, Ryan Krosch and Assistant to the Administrator, Brandi Bourquin were also in attendance.

CALL TO ORDER

Chair Wachal called the meeting to order at 4:30 p.m.

Motion was made by Commissioner Eigenberg and seconded by Commissioner McClure to adopt Resolution 24-013 – Declaring a State of Emergency for a Flooding Event. On a roll call vote the motion carried 5-0 in favor of Resolution 24-013.

County of Jackson)
) SS.
State of Minnesota)

RESOLUTION 24-013

RESOLUTION DECLARING A STATE OF EMERGENCY

WHEREAS, excessive and continuous rain and subsequent flooding impacted the population of Jackson County, Minnesota and its cities and townships; and

WHEREAS, the flooding event has caused a significant amount of public property damage; and

WHEREAS, the Jackson County Emergency Management Office requests the Jackson County Board of Commissioners to declare Jackson County in a STATE OF EMERGENCY for the flooding event of starting in June, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Jackson County Board of Commissioners declares Jackson County in a State of Emergency for conditions resulting from the flooding event beginning June 17, 2024.

Sheriff Shawn Haken and Emergency Management Director Gary Reif provided an update on the current state of flooding within Jackson County.

ADJOURN

Motion was made by Commissioner Nasby and seconded by Commissioner Wachal to adjourn the meeting at 4:55 p.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF COMMISSIONERS

Board Chair

ATTEST:

Ryan Krosch, County Administrator



Request for Board Action
Agenda Item No. 2.5.

Requested Board Date: 07/02/2024

Agenda Type: Consent

Estimated Time: _____

Department: Library

Presenter: Carrie Dose

Recommendation: Approve

Item: Library Board member

Board Action Request:

Approve the appointment of Kristy Thurmer to the Jackson County Library Governing Board as the representative for Commissioner District 4 due to the recent resignation of Sandy Garber.

Background & Comments:

Attachments: _____

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us



Request for Board Action
Agenda Item No. 2.6.

Requested Board Date: 07/02/2024

Agenda Type: Consent

Estimated Time: _____

Department: Public Works/Parks

Presenter: _____

Recommendation: Approve

Item: SAP 032-623-027 Contract and Bond

Board Action Request:

Approve and sign the contract and bond for SAP 032-623-027

Background & Comments:

Grading, Storm Sewer, Curb & Gutter, and Bituminous Paving on CSAH 23 from CSAH 14 to Ashley St in the City of Jackson.

Attachments: Contract and Bond Documents

Fiscal Impact: State Aid

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

Contract SAP 032-623-027 River Road - Bid Summary

Report Date	Contract Name	Contract Number	Release Date	Bid opening	Addendum 1	Addendum 2
6/27/2024	SAP 032-623-027 River Road	0000	5/22/2024	6/14/2024, 10:00 AM	6/11/2024	6/12/2024

Bid Name	Total	% Over/Under Estimate
Engineer's Estimate	\$1,570,153.07	
Svoboda Excavating, Inc.	\$1,294,700.00	17.54% UNDER
Duininck, Inc.	\$1,306,870.95	16.77% UNDER
Midwest Contracting, LLC	\$1,388,496.40	11.57% UNDER
OMG Midwest Inc, dba Minnesota Paving & Materials	\$1,851,444.35	17.91% OVER



Request for Board Action
Agenda Item No. 2.7.

Requested Board Date: 07/02/2024

Agenda Type: Consent

Estimated Time: _____

Department: Administrator

Presenter: Ryan Krosch

Recommendation: Approve

Item: Affirm June 22 Local Declaration of a State of Emergency

Board Action Request:

Affirm County Board Chair Don Wachal's Declaration of a State of Emergency signed June 22, 2024 due to the June 2024 flooding event in Jackson County.

Background & Comments:

Minnesota Statute 12.29 - Declaration of Local Emergency, states, "A local emergency may be declared only by the mayor of a municipality or the chair of a county board of commissioners or their legal successors. It may not be continued for a period in excess of three days except by or with the consent of the governing body of the political subdivision." The County Board continued the emergency on June 25. I am requesting the Board also affirm the June 22 Declaration so there is official record of this action.

Attachments: June 22 Declaration

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

LOCAL DECLARATION OF A STATE OF EMERGENCY

WHEREAS the County of Jackson, Minnesota, has sustained losses of a significant proportion from flooding, brought on by excessive and continuous rain beginning the 17th of June, 2024.

WHEREAS the Flooding event has caused significant damage to public and private property; and

WHEREAS the Jackson County Department of Emergency Management requests the Jackson County Board of Commissioners to declare Jackson County in a STATE OF EMERGENCY for the FLOODING event of June 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Jackson County Board of Commissioners declares Jackson County in a STATE of EMERGENCY for conditions resulting from the FLOODING event beginning June 17th, 2024.

Adopted by the Jackson County Board of Commissioners this 22nd day of June, 2024.

WHEREAS acting on behalf of and for the people of Jackson County, I, Jackson County Board of Commissioners Chairman Don Wachal, declare on the 22nd day of June, 2024, that a STATE OF EMERGENCY exists within Jackson County with all the powers and responsibilities attending thereto as provided by Chapter 12, Minnesota Statutes.

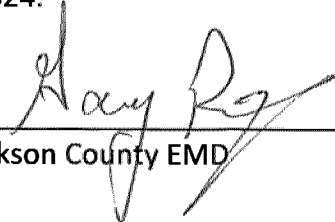


Jackson County Board Chairman Wachal

June 22, 2024
Date

ATTEST:

I, Gary Reif, Jackson County Emergency Management Director, hereby attest that the foregoing resolution was dully adopted by the Jackson County Board of Commissioners on the 22nd day of June, 2024.



Jackson County EMD

June 22, 2024
Date



Request for Board Action
Agenda Item No. 2.8.

Requested Board Date: 07/02/2024

Agenda Type: Consent

Estimated Time: _____

Department: Auditor/Treasurer

Presenter: Jill Horn

Recommendation: Informational

Item: 2024 Confession of Judgment Update Report as required per MN State Statute # 279.37 subd. 3-5

Board Action Request:

No Action Required

Background & Comments:

The board should be notified of Confession of Judgment applications each year.

Attachments: 2024 Confession of Judgement Update

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

CONFESSION OF JUDGMENT UPDATE

JACKSON COUNTY
MINNESOTA

As of June 30, 2024

Confession of Judgment Information:

Per Minnesota Statute 279.37 subd. 3-5

- *The County Auditor and the County Board must accept an eligible written offer to confess judgment on an eligible parcel of property. The legal right to confess judgment does not require the approval of the County Auditor or County Board. Following a default on a first confession of judgment, the taxpayer may offer a second confession of judgment on the unpaid balance. No more than **two** confessions of judgment may be offered for the same taxes on the same parcel of real property.*

ACTIVE CONFESSION OF JUDGMENTS

Parcel ID	Taxpayer	Start Date	Next COJ Payment Date	Maturity Date	Original Judgment Amt	Current Judgment Amt
R 01.031.0400	Leah L Palm ETAL	08/02/2017	12/31/2024	12/31/2026	\$14,004.60	\$4,201.38
R 01.031.0450	Leah L Palm ETAL	08/02/2017	12/31/2024	12/31/2026	\$2,217.67	\$665.35
R 02.023.0200	Jerry E & Nicole P Zich ETAL	04/18/2023	12/31/2024	12/31/2032	\$8134.98	\$7,069.49
R 09.011.0550	Gene & Leslie Oeltjenbruns	04/21/2017	12/31/2024	12/31/2026	\$2,581.18	\$774.41
R 09.015.0900	Gene R Oeltjenbruns	04/21/2017	12/31/2024	12/31/2026	\$13,035.32	\$3,910.61
R 14.009.0800 2nd Confession	Jan Jerousek	04/03/2023	12/31/2024	12/31/2032	\$12,284.01	\$10,803.61
R 21.200.1650	Roy & Alice Scheff	05/16/2019	12/31/2025	12/31/2028	\$1,817.59	\$497.82
R 22.200.1410 2nd Confession	Dawn M DeLotto	04/27/2016	12/31/2024	12/31/2025	\$10,080.10	\$2,016.02
R 22.200.1510 2nd Confession	Yolanda I & Carlos A Barahona	03/17/2023	12/31/2024	12/31/2027	\$4,662.68	\$3,506.15
R 22.341.0110 2nd Confession	Marlys Janelle Ol- son	03/20/2023	12/31/2024	12/31/2032	\$4,291.34	\$3,610.21
R 23.024.5110	Amanda R Weseman (Ring)	04/03/2019	12/31/2024	12/31/2028	\$2,955.52	\$1,337.77
R 24.032.4700	Anthony D & Holly Lyn Schmit	08/19/2021	12/31/2024	12/31/2030	\$5,410.75	\$3,591.54
R 24.033.3520	Kevin M Luebben Etal	04/24/2019	12/31/2024	12/31/2028	\$4,820.12	\$2,270.07
R 24.303.0060	John Spillman	09/30/2021	12/31/2024	12/31/2030	\$3,000.43	\$1,904.31
R 24.321.0820	Carrie J Weires	02/26/2018	12/31/2024	12/31/2027	\$1,410.06	\$564.06
R 24.561.0010	Gene & Leslie Oeltjenbruns	04/17/2017	12/31/2024	12/31/2026	\$4,363.88	\$1,309.22
Total					\$95,070.23	\$48,032.02

DEFAULT/CANCELLATION OF CONFESSION OF JUDGMENT

Parcel ID	Taxpayer	Start Date	Date of Default	Default Reason	Current Status of Parcel
22.200.0140	Jeremy Holder	10/31/2022	12/31/2023	Non-payment	In Forfeiture Process

COMPLETED CONFESSION OF JUDGMENT PAYMENT PLAN

Parcel ID	Taxpayer	Start Date	Date of Final Payment



Request for Board Action
Agenda Item No. 4.1.

Requested Board Date: 07/02/2024

Agenda Type: Regular

Estimated Time: _____

Department: Attorney

Presenter: Kristi Meyeraan

Recommendation: Approve

Item: County Attorney Staffing Plan

Board Action Request:

Approve contracting for legal services with Smith and Johnson Law Office;
Discussion regarding designation as part-time County Attorney

Background & Comments:

The Assistant County Attorney has submitted his resignation. His last day will be July 5th. Smith and Johnson Law Office (Kayla Johnson) has agreed to provide legal services to Jackson County on an on going basis. The requested rate is a flat fee of \$5,000/month. The Assistant County Attorney position that is being vacated would not be filled.

The County Attorney is requesting designation as part-time County Attorney.

Attachments: None

Fiscal Impact: \$5,000/month

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us



Request for Board Action
Agenda Item No. 5.1.

Requested Board Date: 07/02/2024

Agenda Type: Regular

Estimated Time: 5 minutes

Department: Administrator

Presenter: Ryan K./Brandi B.

Recommendation: Approve

Item: Employee Policy Handbook Revisions

Board Action Request:

Approve changes to Employee Policy Handbook Policies 300,304, 305, 306, 503, 716, 717 as presented

Background & Comments:

Included in the packet are proposed changes to the following County policies:

- 300 - Equal Employment Opportunity (general updated EEO language)
- 304 - Employee Conduct and Work Rules (expanded language and examples)
- 305 - Disciplinary Action (expanded and clearer language)
- 306 - Grievance Procedure (eliminates current non-union grievance process and replaces it with a more simplified and efficient process)
- 503 - DOT Drug and Alcohol Testing for Commercial Drivers (Current policy is from 2000; replacing it with a new policy that follows current federal commercial driving laws; LMC model policy)
- 716 - Leave Benefits Miscellaneous/717 - Leave Benefits - Earned Sick & Safe Time (2024 legislation made changes to the earned sick and safe time law approved in 2023)

Attachments: Policies with proposed changes

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

Equal Employment Opportunity

Policy Number: 300

Jackson County embraces equal employment opportunity and is committed to compliance with all applicable federal and state laws, rules and regulations specifically Minnesota Statute Chapter 363A.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Jackson County will be based on merit, qualifications, and abilities. Jackson County does not discriminate in employment opportunities or practices on the basis of race to include natural hair textures and styles such as braids, locs, and twists, color, creed, national origin, gender/sex, religion, disability, age, marital status, familial status, status with regard to public assistance, sexual orientation, or any other characteristic protected by state or federal law. ~~race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.~~

Jackson County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, hiring, job assignment, promotion, compensation, discipline, termination, layoff, recall, transfer, leave of absence and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, ~~e~~Department Head or the County ~~C~~oordinatorAdministrator. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Jackson County fully supports incorporation of non-discrimination rules and regulations into contracts.

A primary mission of Jackson County is to promote a spirit of teamwork and cooperation among all employees, interns, volunteers and elected officials. Furthermore, the County wants to provide a work environment of mutual respect. To achieve these goals, the County expects that all employees treat co-workers, supervisors, and subordinates with respect, honesty, consideration, and cooperation. The County expects that employees will refrain from making statements that others might find upsetting or offensive and statements that create a hostile work environment. Such statements include, but are not limited to, jokes and other statements directed at another's age, sex, race, religion, national origin, physical appearance or other protected class status.

The County expects employees to maintain a productive, effective, and professional working relationship with staff, partners and clients. Employees are to assist staff, partners, and clients in a timely and professional manner respecting other's differences, backgrounds, and styles.

Employees shall act with the highest degree of integrity, adhering to all compliance and ethics requirements.

This policy is intended as a guide for maintaining effective interpersonal communication and professional relationships. Management firmly supports this policy and will make every effort to ensure its implementation.

Jackson County affirms its right and responsibility to develop and administer the regulations, disciplinary measures and general work rules necessary to ensure efficient operation of services, fair treatment and safe working conditions. The County retains all rights and privileges not specifically addressed in these regulations.

The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. Discipline may be made for other reasons or causes as reasonably determined by the employer and/or defined within applicable labor agreements.

1. Unapproved employment or volunteer activity determined to be a conflict of interest with County employment.
2. Engaging in actual, potential, or perceived conflicts of interest.
- ~~3.~~ Misappropriation and/or mismanagement of County property or funds.
- ~~2.4.~~ Lying or providing false, inaccurate or incomplete information either verbally or in writing, Falsifying, altering or destroying County reports or records, including falsification of an employee's time card or time sheets.
5. Willful deception or misrepresentation on an employment application.
6. Reporting to work under the influence of alcohol, illicit drugs or controlled substance and/or possession, consumption or sale of the same while on duty, or while operating County owned vehicles or equipment.
7. Citation for drug or alcohol offense or other driving violation while operating a personal or employer vehicle while employee is on employer business (including training and education).
- ~~3-8.~~ Fighting, threatening violence and/or possession of illegal weapons in the workplace.
- ~~4-9.~~ Boisterous or disruptive activity in the workplace.

- ~~5.~~ Negligence or willful destruction and/or abuse of any County property or customer-owned property.
- ~~10.~~
- ~~11.~~ Insubordinate conduct, refusal to follow a supervisor's direction or willful violation of rules or regulations.
- ~~12.~~ Disregard for safety policies and procedures, including improper use of safety gear, clothing or equipment.
- ~~6-13.~~ Unauthorized use of telephones, mail systems, e-mail, Internet, computers or other County-owned equipment.
- ~~7-14.~~ Conduct that violates County or department personnel policies, rules or regulations.
- ~~8-15.~~ Conduct or performance that fails to satisfy the duties, responsibilities, quantity, quality or safety rules of the job.
- ~~9-16.~~ Excessive or unexcused absences, lateness in reporting to work or leaving the work site before regular quitting time.
- ~~10.~~ Failure to respond to a call-out in a timely manner, as defined by County and the department protocols.
- ~~17.~~
- ~~11.~~ Restrictions, interference or harassment of others in the performance of their job, which is adversely distracting or disruptive to the well-being or performance of others.
- ~~18.~~
- ~~12.~~ Engaging in harassing, discriminatory, retaliatory or threatening conduct.
- ~~19.~~
- ~~13.~~ Solicitation or acceptance of money, gifts or valued items which may be construed as evidence of favoritism, coercion, unfair advantage, collusion, or otherwise impacting the decisions of an employee in public matters.
- ~~20.~~
- ~~21.~~ The use or threatened use of political influence to exert pressure on any County employee for favors or to conduct actions contrary to County policy.
- ~~14-22.~~ Reporting for a scheduled work assignment in dress that an authorized supervisor or a department or County dress code has indicated is not acceptable for the work assignment or is disruptive to employees or the public.
- ~~23.~~ Failing to comply with County expectations of proper hygiene.
- ~~15-24.~~ Disclosure of data in violation of Board rules, applicable statutes, rules, regulatory standards, and policies, including but not limited to Minnesota Government Data Practices Act (MGDPA) or Health Insurance Portability and Accountability Act (HIPAA).
- ~~25.~~ Operating employer equipment or vehicles without proper license or permit, failure to maintain any required license or permit, or failure to notify employer of loss of any such license or permit.
- ~~26.~~ Illegal activities and/or conviction of a crime closely or directly related to the ability of employees to perform their job effectively.
- ~~27.~~ Failure to maintain required licensure or training requirements needed to fulfil work responsibilities.
- ~~28.~~ Rude or discourteous verbal and non-verbal behaviors towards another individual which results in a feeling of being bullied, intimidated, ridiculed, coerced, or degraded.

The above-referenced list is not intended to be an all-inclusive listing of improper conduct for which an employee may be subject to discipline. Misconduct not addressed by this policy will be treated as a violation of a general rule requiring the maintenance of good order and the standards of conduct and/or performance that the County has a right to require of its employees.

Any employee who becomes aware of or suspects any violation of this policy is required to report it immediately to their supervisor, Department Head, or the County ~~Coordinator~~Administrator's Office. Filing of a report shall not result in any disciplinary action, retaliation or otherwise adversely affect the reporting party.

Overview

Jackson County affirms its right and responsibility to develop and administer the regulations, disciplinary measures and general work rules necessary to ensure efficient operation of services, fair treatment and safe working conditions. The County retains all rights and privileges not specifically addressed in these regulations.

Employees shall be subject to discipline for inappropriate conduct. The Employee Conduct and Work Rules policy includes examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. The Employee Conduct and Work Rules policy is not intended to be an all-inclusive listing of improper conduct for which an employee may be subject to discipline. Misconduct not addressed by that policy will be treated as a violation of the County's general policy requiring the maintenance of good order and the standards of conduct and/or performance that the County has a right to require of its employees.

Discipline

The County embraces the philosophy of progressive discipline where appropriate. Employees shall be subject to discipline up to and including immediate termination of employment for any incident of employee misconduct or violation of County policy. The County may elect to utilize one or more forms of discipline in any order. All discipline shall be coordinated through Human Resources before action is taken. All written discipline and related documentation shall be provided by Human Resources. It will be the responsibility of the supervisor and Department Head in consultation with Human Resources to administer corrective and/or disciplinary actions. ~~However, any incident of employee misconduct or violation of County policy may result in immediate discharge.~~

- **Verbal Warning:** ~~A~~ informal action by a supervisor to inform an employee that their behavior and/or performance must change and/or improve or the County will move to take additional disciplinary measures. A verbal warning may be utilized when of a minor or first occurrence of a policy violation or misconduct has occurred and/or when coaching has not solicited appropriate change in behavior or performance.

~~-A verbal warning shall~~ be documented and must include the date/time of the verbal reprimand, identify the unacceptable performance or misconduct, and provide a statement of the desired improvement and consequences for failing to correct the infractions. ~~- Documentation of the action shall be made part of the employee's personnel file for a period of one year from the date of issuance of the verbal warning.~~

- **Written Warning:** A formal and more serious action by a supervisor to inform an employee that their behavior and/or performance must change. Written warnings provideing official notice of the violation or misconduct and/or if poor performance persists. ~~Written warnings should include the following:~~

1. Date of the incident(s)
2. Reason(s) for the reprimand, including citing any specific policy violations

3. Notation of any previous reprimands
4. Corrective action required
5. Explanation of why the corrective action is important
6. Disciplinary step notice (written notice to the employee that continued failure to meet standards will result in more serious disciplinary action up to and including termination of employment)
7. Signature lines for employee and supervisor

A copy of the written warning shall be made part of the employee's personnel file.

~~the required corrections in behavior, a specific time frame for making such corrections, and the consequences for failing to correct the behavior cited.~~

- ~~• **Work Re Assignment:** A *formal* action by a supervisor resulting in the temporary or permanent change in duties, transfer, reassignment, or demotion of an employee.~~

- **Suspension:** A formal action by a supervisor resulting in the temporary removal of an employee from their assigned position, with or without compensation, ~~seniority or benefits, for a period not to exceed twenty eight (28) days.~~ The employee's supervisor and Department Head, in consultation with Human Resources and County Administrator, will determine the period of suspension and provide written notice of the suspension. The notice of suspension shall be in writing and shall notify the employee of the unacceptable behavior or performance, the required correction(s) in behavior or performance, the specific time line for making such corrections, and the consequences for failing to correct the behavior or performance problems cited. Documentation of the action shall be made part of the employee's personnel file.

- **Termination:** A formal action by the supervisor resulting in the termination of an employee for gross misconduct or when, after receipt of corrective action and/or disciplinary action, the employee has failed to:

- 1) correct and improve unacceptable performance;
- 2) obtain compliance with policies or practices; or
- 3) correct inappropriate conduct. ~~The employee shall be informed that the right to request a hearing before the County Board is available.~~

Employees may be terminated during their probationary period without previous disciplinary action if their performance is unsatisfactory. Termination of employment requires written notice which must be coordinated through Human Resources and approved by the County Administrator prior to action being taken.

~~Employees may file a grievance on any formal disciplinary action (excluding verbal warning) taken against them. All grievances shall be handled according to the Grievance Procedure policy.~~

Disciplineischarge of a Veteran

~~A County employee covered by this policy, who is a veteran shall receive a notice of intent to discharge prior to involuntary termination by the County of his/her employment. The notice shall inform the employee of his/her right to request a hearing before the County Board within 60 (sixty) days of receipt of the notice. The employee shall submit a written request for a hearing to the County Coordinator. A veteran notified of the intent to discharge, may be suspended with pay and benefits until a final determination is made.~~

The County recognizes the provisions of the Minnesota Veteran's Preference Act. ~~Therefore, any eligible veteran shall fall under these provisions in regards to grievance procedures.~~

Honorably discharged veterans may request a Veterans Preference hearing on the questions of dismissal, demotion, suspension without pay for thirty days or more or involuntary transfer. Questions on the removal of a veteran under these circumstances will proceed according to the provisions of the Veterans Preference Act Minnesota Statute 197.46, as amended. Other disciplinary actions which are not subject to the Veterans Preference Act, such as shorter suspensions and warnings, are subject to the County grievance procedure.

Any employee who appeals an involuntary termination or demotion under ~~either~~ the Minnesota Veteran's Preference Act waives their rights to an appeal under the County grievance provision.

Definition

~~A grievance shall be defined as a dispute or disagreement between an employee and the County as to the interpretation or alleged violation of the terms and condition of County policies.~~

Form of the Grievance

~~A formal grievance shall not be valid for consideration unless the grievance is submitted in writing to the County's designee setting forth the facts, the specific provision of the policy allegedly violated and the particular relief sought.~~

Time line for Filing/Appealing Grievance

~~A grievance must be filed within five (5) working days after the date of the first event giving rise to the grievance occurred. If a grievance is not presented within the time period set forth in any step of the grievance procedure, it shall be considered waived. A grievance must be appealed to the next step of the grievance procedure within the specified time limit. A grievance that is not timely appealed shall be considered settled on the basis of the County's last answer. If the County designee does not render a decision on a grievance or appeal within the specified time limits, the grievance shall be treated as denied, and may be appealed by the employee to the next step of the grievance procedure.~~

Adjustment of Grievance

~~Step 1 — An employee shall present a grievance to his/her supervisor within five (5) working days after the event giving rise to the grievance. The supervisor and employee shall attempt to resolve the grievance through informal discussions. If the grievance is not resolved through informal discussions, the employee shall present a written grievance to the supervisor. The supervisor shall render a written decision on the grievance to the employee within twenty (20) days after receipt of the written grievance.~~

~~Step 2 — In the event the grievance is not resolved at Step 1, the decision rendered may be appealed to the Department Head, provided such appeal is made in writing within five (5) working days after receipt of the decision in Step 1. The Department Head shall render a written decision on the grievance to the employee within ten (10) days after receipt of the written appeal.~~

~~Step 3 — In the event the grievance is not resolved at Step 2, the decision rendered may be appealed to the County Coordinator, provided that such appeal is made in writing within five (5) days after receipt of the decision in Step 2. Within twenty (20) days after receipt of the appeal the County Coordinator shall render a written decision on the grievance.~~

~~Step 4 — In the event the grievance is not resolved at Step 3, the decision rendered may be appealed to the County Personnel Committee of the County Board, provided such appeal is made in writing within five (5) days after receipt of the decision in Step 3. The County Personnel Committee will submit a recommendation to the County~~

~~Board within thirty (30) days of receiving the appeal.~~

~~Step 5 — The recommendation of the Personnel Committee will be presented to the County Board at their next regularly scheduled meeting. The County Board will render a final decision on the grievance within fifteen (15) days of that meeting.~~

Grievances for Disciplinary Action

Unless otherwise stated in an applicable collective bargaining agreement, in the event any employee disagrees with a disciplinary action, the employee has a right to grieve it by following the procedures as set forth herein.

Veteran's Preference and Grievances

The County recognizes the provisions of the Minnesota Veteran's Preference Act. Therefore, any eligible veteran shall fall under these provisions in regards to grievance procedures.

Honorably discharged veterans may request a Veterans Preference hearing on the questions of dismissal, demotion, suspension without pay for thirty days or more or involuntary transfer. Questions on the removal of a veteran under these circumstances will proceed according to the provisions of the Veterans Preference Act Minnesota Statute 197.46, as amended. Other disciplinary actions which are not subject to the Veterans Preference Act, such as shorter suspensions and warnings, are subject to the County grievance procedure.

Any employee who appeals an involuntary termination or demotion under ~~either~~ the Minnesota Veteran's Preference Act waives their rights to an appeal under the County grievance provision.

Timeframe to Submit a Grievance

Any grievance must be submitted in writing to the County Administrator within fifteen (15) working days of the employee's receipt of the notice of disciplinary action.

Grievances – Verbal and Written Warnings

For all verbal and written warnings, the County Administrator, or ~~his or her~~ County Administrator's designee, shall hold a grievance hearing within twenty (20) working days of receiving the grievance. Within the next twenty (20) working days after the conclusion of the hearing, the County Administrator shall issue a written decision. Either of these time periods can be extended by the County for good cause.

Grievances - Suspensions, Demotions and Dismissals

For all suspensions, demotions and dismissals the County Personnel Committee (two County Board Members, County Administrator and Human Resources Director) shall hold a grievance hearing within twenty (20) working days of receiving the grievance. –The Committee, at its discretion, may request the grievant to verbally state their respective positions, or the Committee may make its decision on the written grievance. Within the next twenty (20) working days after the conclusion of the hearing, the County Personnel Committee shall issue a written decision. –Disciplinary action is overturned if at least three of the four County Personnel

Committee members are in favor of such action. Either of these time periods can be extended by the County for good cause.

Election of Remedies and Waiver

An employee instituting any action, proceeding or complaint in a federal or state court of law, or before an administrative tribunal, federal agency, state agency, or seeking relief through any statutory process for which relief may be granted, the subject matter of which may constitute a grievance under this policy, shall waive any and all rights to pursue a grievance under this policy. -Upon instituting a proceeding in another forum, the employee shall waive the right to initiate a grievance pursuant to the County's grievance procedure. -If a grievance is pending under this grievance procedure at the time an employee institutes a proceeding in another forum, the employee shall waive his/her right to pursue the grievance.

Purpose and Objectives

The County of Jackson (“County”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The County is concerned about providing a safe workplace for its employees, and while the County does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of County property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation (“DOT”), the County has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver’s license (CDL) to perform their duties. The County also has a separate Policy on Controlled Substance and Alcohol Testing for employees not covered by DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the County to implement such a policy.

Because changes in applicable law and the County’s practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the County will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing & Types of Tests

All employees are subject to testing who job duties include performing “safety-sensitive duties” on County vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle

- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

The County may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing.

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the County. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The County will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive functions for the County. Beginning in 2020, an applicant must provide consent to the County, and successfully pass a full query of the Federal Motor Carrier Safety Administration’s Clearinghouse. In addition, at least once a year, the County will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

Post-Accident Testing.

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the County will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the County
i. Human fatality	YES	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Post-Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the County will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post-Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the County will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the County will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The County may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the County.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the County and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing.

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the County to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Reasonable Suspicion Testing.

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the County will require the driver to submit to an alcohol and/or controlled substance test.

The County's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the County who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the County. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the County will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the County will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the County permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-Duty Testing.

The County reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the County is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the County consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional (“SAP”) evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Follow-Up Testing.

The County reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the County is not obligated to reinstate or requalify such drivers.

Should the County reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the County will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver’s return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver’s return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing.

The County will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

Prohibited Conduct

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of County policy.

Under the influence of alcohol when reporting for duty or while on duty.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and may use compensatory time, personal leave and/or vacation leave for hours missed from work.

On-Duty Use of Alcohol.

No driver may use alcohol while performing safety-sensitive functions.

Pre-Duty Use of Alcohol.

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Alcohol Use Following an Accident.

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test.

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the County will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the County.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the County and/or collector.
- Fails to undergo a medical examination as directed by the County pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Altering or attempting to alter a urine sample or breath test.

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Controlled Substance Use.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the County immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the County's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the County.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing.

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance. In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the County also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the County's policy for non-DOT related drug and alcohol policy.

Collection and Testing Procedures

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a County vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Alcohol Testing.

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the County by the collection site staff.

Controlled Substance Testing.

The County will use a “split urine specimen” collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver’s privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the County will consider the test to have been canceled. If a licensed physician cannot make such a determination, the County will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the County. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the County who will direct the driver to contact the MRO.

Review of Test Results

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO’s supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-

of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.

- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the County. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee’s failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the County may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

Notification of Test Results

Employees.

The County will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest.

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver’s split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the County receives information that a driver has provided a dilute negative specimen, the County will direct a recollection, pursuant to the MRO’s direction, under direct observation. Creatinine concentration of specimen is greater than 5 mg/dL. If the MRO advises the County that the employee’s dilute negative specimen contains a creatinine

concentration greater than five mg/dL the County will direct the driver to take a second screening test, not under direct observation. The second screening test will be performed as soon as possible after the County receives word of the dilute negative specimen.

Note: County can choose only to require retesting for dilute negatives where the Creatinine concentration of specimen is greater than 5 mg/dL for pre-employment testing, reasonable suspicion, post-accident, or random testing or for all of these tests.

Consequences for Drivers Engaging in Prohibited Conduct

Job Applicants.

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees.

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the County, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home but be escorted to his or her home. The driver will then may use compensatory time, personal leave and/or vacation leave for hours missed from work.

- **Notification of Resources Available**

The County will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, including but not limited to the County's EAP, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The County will provide this SAP listing in writing at no cost to the driver.

- **Discipline**

The County reserves the right to impose whatever discipline the County deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the County is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- **Evaluation, and Return to Duty Testing**

Should the County wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- **Follow-Up Testing**

If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

- **Refusal to test**

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

- **Responsibility for Cost of Evaluation and Rehabilitation**

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the County or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the County pursuant to a collective bargaining agreement.

- **Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse**

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the County will report the following information to the Clearinghouse within three business days:

- ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- ✓ A negative DOT return-to-duty test result;
- ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
- ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
 - On duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207;
 - Alcohol use following an accident pursuant to § 382.209;
 - Controlled substance use pursuant to § 382.213;
- ✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

Maintenance and Disclosure of Records

Except as required or authorized by law, the County will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the County will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

Policy Contact for Additional Information

If you have any questions about this policy or the County's controlled substance and alcohol testing procedures, you may contact Human Resources, to obtain additional information.

Definitions

Accident: Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

Alcohol Concentration (or Content): Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

Alcohol Use: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

Applicant: Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Breath Alcohol Technician or BAT: Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

County Premises: Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the County.

Collection Site: Means a place designated by the County where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

Commercial Motor Vehicle: Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

Confirmation (or Confirmatory) Test: For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, "Confirmation (or Confirmatory) Test" means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

Controlled Substance: Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 C.F.R. § 382.107; 49 C.F.R. § 40.85.

Department of Transportation or DOT: Means the United States Department of Transportation.

DHHS: Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

Disabling Damage: Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

Driver: Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of the County. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Drug: Has the same meaning as "controlled substance."

Employee seeking a transfer: Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

Evidential Breath Testing Device or EBT: Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

Federal Motor Carrier Safety Administration or FMCSA: Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Medical Review Officer or MRO: Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance 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 or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

Performing (a Safety-Sensitive Function): Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

Positive Test Result: Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

Reasonable Suspicion: Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or County official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

Safety-Sensitive Function: Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a County plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

Screening Test (also known as Initial Test): In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional” or “SAP”: Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

CIVIL AIR PATROL SERVICE LEAVE

Pursuant to Minnesota Statute 181.946, an employee, employed for an average of 20 or more hours per week, upon determination by the County that such leave would not unduly disrupt the operations of the County, may take leave, without pay, for time spent rendering service as a member of the civil air patrol on the request and under the authority of the State of Minnesota or any of its political subdivisions.

BEREAVEMENT LEAVE

Full-time Employee Eligibility

In the event of the death of a regular full-time employee’s spouse, child, stepchild or ward, the employee shall be eligible to receive up to five (5) working days off with pay. The employee shall be eligible to receive up to three (3) working days off with pay in the event of the death of the parents, grandparents, grandchildren, siblings or siblings-in-law of either the employee or the employee’s spouse. ~~With~~ With prior approval of their supervisor, the employee may use accumulated ESSTsick leave, vacation leave and/or compensatory time where the employee requests leave for bereavement purposes in excess of the number of leave days provided for in this policy.

The County Administrator Department Head may authorize up to three (3) working days off with pay upon the death of other family members through lineage or marriage, not otherwise specified in this provision, when special circumstances exist. ~~The County Administrator Department Head~~ will review requests for such leave on a case-by-case basis.

The County Administrator Department Head may also grant time off work for the death of individuals not in the employee’s immediate family, as defined above. ~~Such~~ Such leave shall be charged against the employee’s accumulated ESSTsick leave, vacation leave and/or compensatory time.

Part-time Employee Eligibility

Regular part-time employees who are normally scheduled to work 24 hours per week or more are eligible for bereavement leave based on the following schedule:

Hours Scheduled per Week	Spouse/Child, etc.	Parents, etc.
40 hours	5 days	3 days
32-39 hours	4 days	2.5 days
24-31 hours	3 days	2 days

BLOOD DONATION LEAVE

Paid leave shall be granted to an employee who seeks to donate blood subject to the following conditions:

1. The time off is subject to prior, written approval by the employee's supervisor or department head, and is subject to workload and scheduling needs of the department.
2. The length of leave shall be limited to the actual time necessary to donate blood, plus travel time. The actual time spent donating blood shall be documented on the employee's time sheet.
3. The employee shall donate blood at a site located in the same town as the employee's work station, unless the employee is donating blood at the beginning or end of his or her shift, in which case the travel time shall not be included as paid leave.
4. Appointments are strongly encouraged.
5. Time off under this policy is to be used only for the purposes stated. Any other use is grounds for disciplinary action, up to and including termination of employment.

BONE MARROW & ORGAN DONATION LEAVE

Pursuant to Minnesota Statute 181.945 & 181.9456, an employee, employed for an average of 20 or more hours per week, may take a paid leave of absence to undergo a medical procedure to donate bone marrow or an organ or partial organ. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours. The county may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow or an organ/partial organ. If there is a medical determination that the employee does not qualify as a bone marrow or organ/partial organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited

ELECTION DAY LEAVE

Pursuant to Minnesota Statute 204C.04, an employee may have reasonable time off with pay during ~~e~~Election day ~~or the time period for voting in person before election day morning~~ so that the employee may vote.

For the purposes of election day leave, "election" means a regularly scheduled election, an election to fill a vacancy in the office of United States senator or United States representative, an election to fill a vacancy in nomination for a constitutional office, an election to fill a vacancy in the office of state senator or state representative, or a presidential nomination primary under Minnesota Statute 207A.

JURY DUTY/LEGAL OBLIGATIONS LEAVE

In the event a regular full-time or regular part-time employee is called for jury duty, or is required to appear before a court, legislative committee or other governmental body in connection with the employee's official job duties, compensated time off shall be granted ~~upon approval by the employee's supervisor or Department Head.~~ Employees who are not regular full-time or regular part-time employees shall be granted time off without pay.

Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation, that is not connected with the employee's official job duties, shall be taken without pay.

An employee may, at his/her option, utilize accumulated vacation, personal leave, or compensatory time in lieu of unpaid time.

In the event an employee is called for jury duty, the employee must immediately notify their supervisor or Department Head about the dates of service, court location, and provide a copy of the letter of transmittal. If an employee is released for a day or part of a day during any jury duty period, they must report to work if it is their normally scheduled workday and more than one hour remains to the end of their shift.

Employees granted paid leave for jury duty will receive their regular compensation and must return all jury duty fees (per diems) to the County Auditor. An employee who elects to use vacation leave, personal leave, leave of absence without pay, or compensatory time off while serving jury duty may keep the per diem. Employees may retain mileage allowances and other expenses provided by the Court that will not be reimbursed by the County.

MILITARY LEAVE

As statutorily obligated, [military](#) and military-related leave shall be granted and administered pursuant to the provisions of State of Minnesota and Federal law.

OTHER PREGANCY & PARENTING LEAVE

Pursuant to Minnesota Statute 181.941, the county will grant an unpaid leave of absence to an employee who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The leave shall begin at a time requested by the employee, but must begin not more than six weeks after the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital. To be eligible for this leave, the employee must have worked for the county for at least 12 consecutive months immediately preceding the request and for an average of .5 full-time equivalent during those 12 months.

If an employee is eligible for both the Minnesota parenting leave and FMLA, the two leaves will run concurrently.

SCHOOL CONFERENCES & ACTIVITIES LEAVE

Pursuant to Minnesota Statute 181.9412, employees may take up to 16 hours of unpaid leave (employee may use accrued paid vacation or personal leave) during any 12-month period to attend school conferences or school-related activities related to the employee's child, provided the conferences or school-related activities cannot be scheduled during non-work hours. If the employee's child receives child care services as defined in Minn. Statute 119B.011, subdivision 7, or attends a pre-kindergarten regular or special education program, the employee may use the leave time provided in this section to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave to the Department Head or direct Supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

For the purposes of school conferences activities leave, "child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school.

VOLUNTEER FIRE DEPARTMENT AND/OR AMBULANCE SERVICE LEAVE

The following policy applies to County employees who are providing a community service by joining a volunteer fire department and/or ambulance service.

Employees may, with prior authorization of their supervisor, leave work to attend calls as long as their work is not adversely affected. Employees are responsible for notifying their supervisor, Department Head or other designated employee that they are leaving for an emergency call.

Employees who take time off work to assist with an emergency call may, with the approval of their supervisor or Department Head:

- Make up the missed time within the current pay period or within one week, whichever is longer.
- Deduct the missed time from the employee's accrued vacation or compensatory time.
- Take time off without pay
- Combination of the above.

VOTING LEAVE

During statewide primary elections, statewide general elections, federal general elections, local primary, [special](#) or general elections, ~~_(not including township elections),~~ referendum elections ~~in Jackson County~~ or school board elections ~~in Jackson County~~, every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election [or early voting](#), without penalty or deduction from salary or wages because of the absence. Employees must be eligible to and intend to vote. Time off for voting purposes must be scheduled with the employee's supervisor or Department Head.

Any employee who uses this leave for purposes other than voting is subject to disciplinary action.

Leave Benefits – Earned Sick & Safe Time (ESST)

Policy Number: 717

Jackson County provides paid earned sick and safe time (ESST) benefits to employees and employee's family members for the use of temporary absences due to illness, injury or medical appointments, safety, death of a family member and closures for the following purposes:

1. For employee's own physical/mental illness, injury, health condition, or preventative care; or to care for a family member for the same reasons;
2. Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member;
- 2-3. Employee needs to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;
- 3-4. Closure of the employee's place of work for weather or public emergency or closure of a family member's school or care facility for weather or public emergency (utilization shall not exceed 48 hours in a calendar year);
- 4-5. The employee's or family member's inability to work or telework because the employee is prohibited from working due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease.

Weather event exception. An employee may not use sick and safe time under the conditions in Purpose #4 above if:

- (1) the employee's preassigned or foreseeable work duties during a public emergency or weather event would require the employee to respond to the public emergency or weather event;
 - (2) the employee is a firefighter; a peace officer subject to licensure under Minnesota Statutes 626.84 to 626.863; a 911 telecommunicator as defined in Minnesota Statute 403.02, subdivision 17c; a guard at a correctional facility; or a public employee holding a commercial driver's license; and
- (1) one of the following two conditions are met:
- (3)
- i. the employee is represented by an exclusive representative under Minnesota Statute 179A.03, subdivision 8, and the collective bargaining agreement or memorandum of understanding governing the employee's position explicitly references Minnesota Statute 181.9447, subdivision 1, clause (4), and clearly and unambiguously waives application of that section for the employee's position; or
 - ii. the employee is not represented by an exclusive representative, the employee is needed for the employer to maintain minimum staffing requirements, and the employer has a written policy explicitly referencing Minnesota Statute 181.9447, subdivision 1, clause (4), that is provided to such employees in a manner that meets the requirements of other earned sick and safe time notices under Minnesota Statute 181.9447, subdivision 9.

For the purpose of this policy immediate family members is defined as follows:

- Spouse or registered domestic partner
- Child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in local parentis

- Sibling, step sibling or foster sibling
- Biological, adoptive or foster parent, stepparent or a person who stood in loco parentis when the employee was a minor child
- Grandchild, foster grandchild or step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one individual annually designated by the employee

ESST shall be earned as follows for regular full-time and regular part-time employees averaging twenty-four (24) hours per week or more:

Hours Scheduled per Week	Monthly Sick Leave Earned (hours)	Maximum Sick Leave Accrual (hours)
40	8.0	960
32-39	6.4	768
24-31	4.8	576

Intermittent, Seasonal and/or Temporary employees shall receive one (1) hour of ESST for every 30 hours worked up to a maximum of 80 hours.

Requests for use of ESST shall be made to the employee’s supervisor seven (7) days prior to the absence and/or as soon as practicable when the need for leave is unforeseeable.

Employees who are unable to report to work shall notify their supervisor before the scheduled start of their workday. If such notice is not possible, the employee shall contact their supervisor within one-half hour of the employee’s scheduled start time. The employee shall also notify their supervisor for each additional day of absence.

If an employee is absent for three or more consecutive days due to illness or injury, or if the employee’s supervisor has reasonable cause to suspect abuse of sick leave, the employee shall, on request of their supervisor, provide the county with a physician’s statement verifying the reason for the absence and the beginning and expected ending dates of the absence. Employees claiming ESST leave when physically fit or when not otherwise eligible for ESST as set forth within this provision shall be subject to disciplinary action, up to and including termination of employment.

An employee shall, if requested by a supervisor, department head or the County Administrator, provide a return to work certification after being absent from work due to illness or injury before the employee will be allowed to return to work.

An employee on an extended leave of absence due to a work-related injury or serious medical condition must apply for all other available compensation and benefits, such as workers’ compensation, PERA and other employer-provided disability benefits. ESST benefits shall be used to supplement any payments that an employee is eligible to receive from other sources as

set forth above. The combination of any such disability benefits and ESST benefits shall not exceed the employee's regular weekly earnings.

Employees shall begin earning ESST and are eligible to use earned ESST immediately upon assignment to an eligible employment classification. ESST is earned at the end of each pay period and cannot be used until the pay period after it is earned. The amount of ESST earned shall be prorated in the first and last months of employment. ESST may be used in increments of no less than one-quarter hour.

Accrued ESST benefits shall be paid to regular full-time and regular part-time employee who have worked for the county for more than five years upon voluntary termination or retirement from county employment based on the following schedule in accordance with Policy 727 – *Postretirement Health Care Savings Arrangement*.

Years of Service	Rate of Sick Leave Payout at Termination
6-10 years	20%
11-15 years	25%
16-20 years	30%
21-25 years	35%
26-29 years	40%
30+ years	50%

An employee who is involuntarily terminated for cause from county employment or who resigns pending allegations of misconduct will forfeit all accrued ESST. In the event an employee dies while employed by the county, the appropriate ESST payout will be made to the employee's estate. Payment shall be made at the employee's hourly rate of pay at the time of termination, retirement or death.

Intermittent, Seasonal and/or Temporary employees are not eligible for accrued ESST payouts upon termination, retirement or death.

Employees who have accrued the maximum amount of ESST allowable may continue to accrue ESST leave that shall be contributed to a special catastrophic ESST leave bank for that employee. Use of catastrophic ESST leave shall be available only after all accumulated ESST and vacation leave have been exhausted. Requests for use of such leave must be made in writing to the department head and approved by the County Administrator. Employees shall not be compensated for any accrued catastrophic ESST leave upon termination, whether voluntary or involuntary.

Elected Officials

For an employee appointed to fill out the term of an elected official, that employee ceases to earn ESST on the day appointed. ESST will be paid out under the same terms and conditions as if they were leaving employment.



Drainage Authority Request for Action
Agenda Item No. 2.1.

Requested Board Date: 05/21/2024

Agenda Type: Consent

Estimated Time: _____

Department: Auditor/Treasurer

Presenter: Rasche

Recommendation: Approve

Item: Approve Drainage Authority Board Minutes of June 4, 2024

Drainage Authority Action Request:

Background & Comments:

Attachments: Minutes Draft

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

**PROCEEDINGS OF THE JACKSON COUNTY DRAINAGE AUTHORITY, JACKSON COUNTY, MINNESOTA
June 4, 2024**

DRAFT

The Drainage Authority of Jackson County, Minnesota met in regular session, in the Jackson County Courthouse Board Room, 405 Fourth Street, City of Jackson, Minnesota, on June 4, 2024

Jackson County Drainage Authority Present

Phil Nasby, James Eigenberg, Scott McClure, Don Wachal and Roger Pohlman

Others Present

Drainage Coordinator Kelly Rasche, County Administrator Ryan Krosch

CALL TO ORDER

Drainage Authority Board Chair Don Wachal called the meeting order at 10:00 a.m.

1.1 **Motion was made by Commissioner Eigenberg and seconded by Commissioner Pohlman** to adopt the agenda, with the correction on item 2.3 as Pay Request #8. Motion carried unanimously.

CONSENT AGENDA

Motion was made by Commissioner Nasby and seconded by Commissioner McClure to approve the Consent Agenda. The motion carried unanimously.

2.1 **Approval of Minutes of May 21, 2024**

2.2 **Board Action** -- Judicial Ditch 13 Phase 2 McCarty Custom Inc Pay Request #3

2.3 **Board Action** -- Judicial Ditch 42 Bid Package 1 Pay Request #7

REGULAR AGENDA

3.1 **Board Action** – H2Over Viewer's Redetermination of Benefits Contract 2024 – Motion to approve the contract for the Redetermination of CD 11, 117, 121 JD 63, 50 and 70 made by Commissioner McClure with a second by Commissioner Wachal, all yes, motion carried.

3.2 **Board Action** – H2Over Viewer's Redetermination of Benefits Contract 2025 – Motion of approve the contract for the Redetermination of CD 122, JD 33, 56 and 65 made by Commissioner Nasby with a second by Commissioner Eigenberg, all yes, motion carried.

Redetermination of Benefits Hearing Reconvened

Chair Wachal reconvened the Redetermination of Benefits hearing for CD 10, JD 25, 28, 39, 52 and 84 that was held on May 29, 2024, at 10:27 a.m.

Motion to adopted the Findings and Orders for each system approving the Findings and Orders made by Commissioner McClure with a second by Commissioner Pohlman, all yes, motion carried.

Chair Wachal closed the hearing at 10: 29 a.m.

ADJOURN

Chair Wachal Adjourned the Drainage Authority meeting at 10:30 a.m.

Approved this ___ day of _____ 2024

JACKSON COUNTY DRAINAGE AUTHORITY

Don Wachal, Drainage Authority Chair

ATTEST: _____
Kevin Nordquist, Auditor/Treasurer



Drainage Authority Request for Action
Agenda Item No. 3.1.

Requested Board Date: 07/02/2024

Agenda Type: Regular

Estimated Time: 5 Minutes

Department: Auditor/Treasurer

Presenter: Rasche

Recommendation: Approve

Item: JD 8 Phase 2 Repair CRP Contract Buyout Reimbursement

Drainage Authority Action Request:

Approve payment to Lawrence Mosley for the reimbursement of expense of CRP contract refund in the amount of \$9,106.11

Background & Comments:

The creation of the constructed wetland requires a partial refund of the CRP contract held by Lawrence Mosley. This expense is grant eligible.

Attachments: Refund Worksheet

Fiscal Impact: _____

**** Requests must be received by the Administrator's Office by 12:00 p.m. the Wednesday that is a week PRIOR to the regularly scheduled board meeting. ****

Complete and email this form to: County.Administrator@co.jackson.mn.us

CRP ESTIMATED REFUND WORKSHEET

Producer	Lawrence Mosley				Refund Date	06/20/24	
Contract #	11213C	Farm #	8780	Tract #	14377		
Total Contract Acres	17.78	Acres to Buyout	4.58	Rate/Acre	\$ 300.00		

ANNUAL PAYMENTS PLUS INTEREST								
Issue Date	Total Payment	Total Acres	Pmt/Acre	Acres to Buyout	Principle	Interest Rate	Interest Due	Total
10/11/18	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	2.500%	\$ 195.65	\$ 1,569.65
10/09/19	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	1.750%	\$ 113.04	\$ 1,487.04
10/09/20	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	0.125%	\$ 6.35	\$ 1,380.35
10/12/21	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	0.125%	\$ 4.62	\$ 1,378.62
10/11/22	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	3.625%	\$ 84.33	\$ 1,458.33
10/10/23	\$ 5,334.00	17.8	\$ 300.00	4.6	\$ 1,374.00	5.375%	\$ 51.39	\$ 1,425.39
		17.8	\$ -	4.6	\$ -		\$ -	\$ -
		17.8	\$ -	4.6	\$ -		\$ -	\$ -
TOTAL					\$ 8,244.00		\$ 455.40	\$ 8,699.40

COST-SHARE PLUS INTEREST								
Issue Date	Total Payment	Total Acres	Pmt/Acre	Acres to Buyout	Principle	Interest Rate	Interest Due	Total
05/03/24	\$ 245.00	17.78	\$ 13.78	4.6	\$ 63.11	5.125%	\$ 0.11	\$ 63.22
		17.78	\$ -	4.6	\$ -		\$ -	\$ -
TOTAL					\$ 63.11		\$ 0.11	\$ 63.22

INCENTIVE PAYMENTS PLUS INTEREST								
Issue Date	Total Payment	Total Acres	Pmt/Acre	Acres to Buyout	Principle	Interest Rate	Interest Due	Total
		17.78	\$ -	4.6	\$ -		\$ -	\$ -
TOTAL					\$ -		\$ -	\$ -

LIQUIDATED DAMAGES			
Acres to Buyout	Payment Per Acre	Penalty	Total
4.58	\$ 300.00	25.0%	\$ 343.50

TOTAL ESTIMATED REFUND \$ 9,106.11