
DAKOTA COUNTY

POLICIES AND PROCEDURES MANUAL

Policy 3286 Drug and Alcohol Testing (DOT)

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Related Policies: Policy 3282 Drug and Alcohol Free Workplace; Policy 3285 Drug and Alcohol Testing (Non-DOT)

POLICY STATEMENT

It is the policy of Dakota County to provide a safe workplace for all and to comply with federal regulations that govern employees who hold a commercial driver's license. Employees who are impaired because of drugs or alcohol jeopardize the safety and health of themselves, their coworkers, and the public. This policy describes the circumstances in which Dakota County requires employees and job applicants who are required to have a commercial driver's license for work and/or who perform a safety-sensitive function (as defined herein) to undergo drug and alcohol testing prior to being hired and during employment. Policy 3285 applies to all other County employees and job applicants.

DEFINITIONS

"Accident" means an occurrence involving a commercial motor vehicle operating on a public road which results in:

- a. A fatality; or
- b. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- c. 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.

"Adulterate," "adulterated," and "adulteration" mean a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

"Applicant" means an external or internal applicant for employment in a Covered Position, and includes any former employee seeking re-hire in and any current employee seeking transfer to a Covered Position.

"CDL" means a commercial driver's license issued by the DOT.

"Clearinghouse" means the Federal Motor Carrier Safety Administration database that federal regulations require the County and service agents to report information to and query regarding Covered Employees who are subject to the DOT controlled substance and alcohol testing regulations.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a. Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. Has a gross vehicle weight rating of 26,001 or more pounds; or
- c. Is designed to transport 16 or more passengers, including the driver; or
- d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

“Controlled substance” and “drug” mean those drugs and classes of drugs identified in 49 C.F.R. § 40.85, as may be amended from time to time.

“County” refers to the officers, employees, agencies, and facilities of Dakota County government.

“Covered Employee(s)” means County employees required to hold a CDL for work and/or who perform safety-sensitive functions.

“Covered Position(s)” means a County position that requires a CDL and/or the performance of safety-sensitive functions.

“Designated Employer Representative” and “DER” mean the employee authorized by the County to take immediate action to remove employees from safety sensitive functions and to make required decisions in the testing and evaluation process. The DER also receives test results and other communications for the County.

“Disabling damage” means damage that 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 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 taillight damage; or damage to turn signals, horn or windshield wipers which make them inoperative.

“DOT” means the United States Department of Transportation.

“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 for employment with the County in a position for which a CDL is required.

“Medical Review Officer” and “MRO” mean a licensed physician responsible for receiving laboratory results generated by the County’s 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 the individual’s medical history and any other relevant biomedical information.

“Non-negative” means a urine specimen that is reported as adulterated, substituted, or invalid.

“Perform(ing) a safety-sensitive function” means any period in which a Covered Employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

“Refuse(s) to test” and “refusal(s) to test” mean that an individual:

- a. Fails to appear for any test within a reasonable time as determined by the County.
- b. Fails to remain at the testing site until the testing process is complete.

- c. Fails to attempt to provide a specimen.
- d. Fails, in the case of a directly observed or monitored collection, to permit the observation or monitoring of the provision of the specimen.
- e. Fails to provide a sufficient quantity of urine, breath or saliva without a valid medical explanation.
- f. Fails or declines to take a second test as directed by the collector or the County.
- g. Fails to undergo a medical evaluation as required by the MRO or the DER.
- h. Fails to cooperate with any part of the testing process.
- i. Engages in conduct that obstructs the testing process.
- j. Fails to follow an observer's instructions to raise or lower clothing or turn around during a directly-observed test.
- k. Possesses or wears a prosthetic or other device used to tamper with the collection process.
- l. Has a test reported by the MRO as a verified non-negative test result.
- m. Admits to the adulteration or substitution of a specimen to the collector or MRO.
- n. Refuses to sign the certification at Step 2 of the Alcohol Testing Form.

"Safety-sensitive function" means all time from when an employee begins to work or is required to be in readiness to work until the time s/he is relieved from work and all responsibility for performing work. Safety sensitive functions include the following:

- a. All time at a County facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the County;
- b. All time inspecting equipment as required by federal regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle in operation;
- d. All time, other than driving time, in or upon any commercial motor vehicle;
- e. 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
- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

"Service agent" means any person or entity, other than a County employee, who provides services in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, blood alcohol technicians, screening test technicians, laboratories, MROs, SAPs, and consortium/third-party administrators.

"Substance Abuse Professional" and "SAP" mean a licensed physician (doctor of medicine or osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, a state-licensed or certified marriage and family therapist, or a drug and alcohol counselor certified by an organization listed at <https://www.transportation.gov/odapc/sap>.

"Substitute," "substituted," and "substitution" mean a specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

SOURCE

Omnibus Employee Testing Act of 1991, 49 U.S.C. §§ 5331, *et seq.*
40 C.F.R. §§ 40.1, *et seq.*
49 C.F.R. §§ 382.101, *et seq.*

GENERAL

TESTING CIRCUMSTANCES

The County requires that Covered Employees and Applicants submit to controlled substance and/or alcohol testing in the following circumstances:

Pre-employment Testing

Every offer of employment for a Covered Position is subject to and contingent on the Applicant's: (1) consent to taking a controlled substance test; (2) negative test result; and (3) written consent authorizing each employer from the previous two years to release information to the County, including alcohol tests with a result of .04 alcohol concentration or greater, verified positive controlled substance test results, refusals to test, and other violations of DOT controlled substance and alcohol testing regulations.

Random Testing

Every Covered Employee is subject to unannounced controlled substance and alcohol testing on a random selection basis. Covered Employees will be selected for random testing via a scientifically valid method under which each Covered Employee has an equal chance of being selected each time selections are made. Random testing will be conducted throughout the calendar year. It is possible that a Covered Employee may be selected for random testing multiple times in a given year, or not ever selected for random testing in a given year.

Covered Employees selected for random testing must cease performing safety-sensitive functions and immediately report to the designated testing site. If a Covered Employee is selected for random testing while s/he is absent from work for any reason, the Covered Employee may be required to submit to random testing when s/he returns to work.

Federal law requires that random testing for controlled substances must be administered to fifty-percent (50%) of Covered Employees each calendar year, and random testing for alcohol must be administered to ten-percent (10%) of Covered Employees each calendar year. These minimum testing rates are subject to change by the DOT.

Post-accident Testing

A Covered Employee must submit to controlled substance and alcohol testing as soon as possible following an accident involving a commercial motor vehicle operating on a public road if:

1. the Covered Employee was performing safety-sensitive functions with respect to the commercial motor vehicle, and the accident involved the loss of human life; or
2. the Covered Employee receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. bodily injury to any person who, as result of the injury, immediately received medical treatment away from the scene of the accident; or

- b. one or more vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Additionally, any other Covered Employee whose performance could have contributed to the accident, as determined by the County using the best information available at the time of the decision, will be tested.

A Covered Employee subject to post-accident testing must remain readily available or it is considered a refusal to test, provided that the Covered Employee may take any necessary steps to obtain medical attention for injured persons (including the Covered Employee) and may leave the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. If a Covered Employee is tested by a party other than the County's vendor, the Covered Employee is responsible for providing his or her supervisor the name of the testing agent and a release enabling the County to obtain the test results. In the event a test is conducted by a law enforcement officer, the Covered Employee must immediately report as much to the DER and provide the name, badge number, and telephone number of the law enforcement officer who conducted the test.

If a Covered Employee has not submitted to an alcohol test within two (2) hours after an accident, the County will prepare and maintain on file a record stating the reason a test was not promptly administered. If a Covered Employee has not submitted to an alcohol test within eight (8) hours after an accident, the County will cease all attempts to administer the test and prepare and maintain on file a record stating the reason a test was not administered. Consuming alcohol is prohibited until eight (8) hours after the accident or the Covered Employee has submitted to a post-accident alcohol test, whichever comes first.

If a Covered Employee has not submitted to a controlled substance test within thirty-two (32) hours after an accident, the County will cease all attempts to administer the test and prepare and maintain on file a record stating the reason a test was not administered.

Reasonable Suspicion Testing

A Covered Employee will be subject to controlled substance or alcohol testing when the County has reasonable suspicion to believe that the Covered Employee has used a controlled substance or engaged in alcohol misuse. Referral for reasonable suspicion testing will be made by a trained supervisor or other trained County employee on the basis of specific, contemporaneous, articulable observations concerning a Covered Employee's appearance, behavior, speech, or body odor. In the case of controlled substances, the observations may also include indication of chronic and withdrawal effects.

Return-to-duty Testing

To be eligible to return to duty, a Covered Employee who has a positive controlled substance or alcohol test must be evaluated by a SAP, participate in any education or treatment programs prescribed by the SAP, and comply with all of the SAP's recommendations. Additionally, the Covered Employee must take a return-to-duty controlled substance and alcohol test on a date specified by the SAP, under direct observation of collection site staff. The result must be negative (for alcohol, negative means a concentration of less than 0.02) before the Covered Employee will be allowed to return to duty in a Covered Position. A Covered Employee who refuses to test or fails a return-to-duty controlled substance or alcohol test may not return to a Covered Position until s/he passes a controlled substance and alcohol test and the County determines that s/he may return to duty.

Follow-up Testing

A Covered Employee who violates DOT rules, this policy, or Policy 3282 Drug and Alcohol Free Workplace will be subject to unannounced follow-up controlled substance and alcohol testing following his or her return to duty, under direct observation of collection site staff. Unannounced testing will be administered as directed by the SAP for not more than 60 months after the Covered Employee returns to duty, provided that the Covered Employee will be required to submit to at least six (6) unannounced follow-up controlled substance and alcohol tests during the first 12 months after s/he returns to duty. The SAP may terminate the requirement for follow-up testing after

the initial six tests have been completed if the SAP determines that such testing is no longer warranted. Follow-up controlled substance and alcohol testing will be conducted only when the Covered Employee is performing a safety-sensitive function, just before s/he is to perform a safety-sensitive function, just after s/he has ceased performing a safety-sensitive function, or at any time s/he is in readiness to perform a safety-sensitive function.

COLLECTION AND TESTING PROCEDURES

Controlled Substance Testing

Controlled substance testing is conducted by analyzing a urine specimen. The County uses a split specimen collection procedure, whereby a Covered Employee or Applicant must provide at least 45 milliliters of urine for testing. Once the specimen is provided, collection site staff will split it into two separate specimen containers—one labeled “primary” (containing 30 milliliters) and the other labeled “split” (containing 15 milliliters)—complete chain-of-custody documentation, and prepare the containers for shipment to a testing laboratory for analysis. In addition to following chain-of-custody procedures, collection site staff will also take precautions to ensure that a specimen is not adulterated or diluted during the collection procedure, that no unauthorized personnel have access to the collection site, and that collection procedures allow individual privacy (unless there is reason to believe a specimen may be altered or substituted or direct observation is warranted).

Testing is performed by an approved, certified testing laboratory. Testing laboratory staff will take all necessary steps to safeguard the integrity of the testing process and the validity of test results, and to ensure that test results are attributed to the correct individual.

The primary specimen is tested first. If a primary specimen tests negative, the testing laboratory will report the result to the MRO, who will in turn report the negative result to the County. If the primary specimen tests positive or non-negative, a confirmatory test will be conducted on the primary specimen.

If the confirmatory test is also positive or non-negative, the testing laboratory will report the result to the MRO, who will subsequently contact the Covered Employee or Applicant, on a confidential basis, and give the Covered Employee or Applicant an opportunity to discuss the result and provide information that may explain the result, including by facilitating contact between the MRO and the Covered Employee’s or Applicant’s prescribing physician. A Covered Employee or Applicant is responsible for facilitating contact between his or her prescribing physician and the MRO. Such contact must occur within five days after the Covered Employee or Applicant is first notified by the MRO of a confirmed positive or non-negative test result.

If the MRO is unable to reach the Covered Employee or Applicant after making reasonable, documented efforts, the MRO will contact the DER, who will direct the Covered Employee or Applicant to contact the MRO. If the DER is unable to reach a Covered Employee, the Covered Employee may be placed on suspension.

The MRO will review a confirmed positive or non-negative test result, and any information provided by a Covered Employee or Applicant and his or her prescribing physician to explain the result, and determine whether there is a legitimate medical explanation for the result. If the MRO verifies a confirmed positive or non-negative test result, the MRO will report the result to the County. The MRO may verify a confirmed positive or non-negative test result if a Covered Employee or Applicant declines to discuss the opportunity to discuss the test with the MRO, if a Covered Applicant or Employee fails to contact the MRO within 72 hours after having contact with the DER, or if neither the MRO or the DER has been able to contact the Covered Employee or Applicant within 10 days after the date on which the MRO received the confirmed test result from the testing laboratory.

A Covered Employee or Applicant has 72 hours after first being notified by the MRO of a confirmed positive or non-negative test result in which to request that his or her split specimen be tested. When a Covered Employee or Applicant requests that his or her split specimen be tested, the MRO will direct the initial testing laboratory, in writing, to provide the split specimen to another certified laboratory for testing. If a Covered Employee or Applicant has not contacted the MRO to request testing of his or her split specimen within 72 hours after a confirmed positive test result, the Covered Employee or Applicant may provide the MRO information documenting that a serious illness, injury, inability to contact the MRO, lack of actual notice of the result, or other circumstances

unavoidably prevented the Covered Employee or Applicant from timely making such request. If the MRO concludes that there is a legitimate explanation for the Covered Employee's or Applicant's failure to request split specimen testing within 72 hours, the MRO will direct testing of the split specimen.

Split specimen testing is not available for invalid specimen test results. Action required by law as a result of a confirmed positive or non-negative primary specimen test result (e.g., removal from safety-sensitive functions) will not be stayed during testing of a split specimen. If a split specimen test result is positive or non-negative, the Covered Employee is responsible for all costs and expenses associated with the split specimen test.

A Covered Employee or Applicant who is unable to provide at least 45 milliliters of urine for testing will be required to consume up to 40 ounces of liquid over a period of up to three hours. If the Covered Employee or Applicant is unable to provide a sufficient specimen after three hours, collection efforts will cease, any insufficient specimen that was collected will be discarded, and the Covered Employee or Applicant will be directed to obtain, within five days, an evaluation from a licensed physician approved by the MRO who has expertise in the medical issues raised by failure to provide a sufficient specimen. The MRO will determine if a medical basis exists for the failure to supply the minimum required specimen based on the physician's evaluation. If no medical basis exists, the failure to supply the minimum required specimen will be deemed a refusal to test.

A confirmed positive controlled substance test that is dilute (i.e., a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL) will be treated as verified positive by the MRO, and no subsequent testing will be offered. A Covered Employee or Applicant whose negative controlled substance test result is dilute will be required to immediately provide a new specimen for testing, under direct observation of collection site staff. Failure to immediately provide a new specimen for testing will be deemed a refusal to test. If the new specimen yields a negative test result that is dilute, the County may withdraw a job offer or impose disciplinary action, up to and including termination of employment.

Alcohol Testing

Alcohol testing will be performed by a qualified breath alcohol technician using an evidential breath testing device. A screening test will be conducted and, if the result of the screening test is positive (i.e., an alcohol concentration of 0.02 or greater), a confirmation test will be conducted not less 15 minutes nor more than 30 minutes after the screening test. Alcohol test results are reported directly to the DER by collection site staff.

A Covered Employee who is unable to supply sufficient breath for alcohol testing will be directed to obtain, within five days, an evaluation from a licensed physician who is acceptable to the County and who has expertise in the medical issues raised by the failure to provide a sufficient specimen. The physician will make a determination (with written documentation) as to whether a medical condition caused or could have caused the Covered Employee's failure to supply sufficient breath for alcohol testing. If the physician concludes that no such medical condition exists, the Covered Employee's failure to supply sufficient breath for alcohol testing will be deemed a refusal to test.

Confidentiality

Except as required or authorized by law, the County will not release information that is required to be maintained under this policy or applicable laws, regulations, and rules. The County is required to report the information identified in 49 C.F.R. § 382.601(b)(12) to the Clearinghouse.

PROHIBITIONS

Alcohol Concentration

No Covered Employee may report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration greater than 0.00. If the County has actual knowledge that a Covered Employee has an alcohol concentration greater than 0.00, the Covered Employee will not be permitted to perform or continue performing any safety-sensitive function.

On-Duty Alcohol Use Prohibited

No Covered Employee may use alcohol while on duty.

Pre-Duty Use of Alcohol

Covered Employees may not perform any safety-sensitive function within four (4) hours after using alcohol. If the County has actual knowledge that a Covered Employee has used alcohol within four (4) hours before performing a safety-sensitive function, the Covered Employee will not be permitted to perform or continue performing any safety-sensitive function.

Use of Alcohol Following an Accident

No Covered Employee who is required to take a post-accident alcohol test may use alcohol for a period of eight (8) hours following the accident or until s/he completes a post-accident alcohol test, whichever occurs first.

Refusal to Test

No Covered Employee or Applicant may refuse to submit to testing required under this policy. The County will not permit a Covered Employee or Applicant who refuses to submit to such testing to perform or continue performing any safety-sensitive function.

Controlled Substance Use

No Covered Employee may report for or remain on duty requiring the performance of a safety-sensitive function when s/he uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the Covered Employee in writing that the substance will not adversely affect the Covered Employee's ability to safely operate a commercial motor vehicle or perform safety-sensitive functions. If the County has actual knowledge that a Covered Employee has used or is under the influence of a controlled substance, the Covered Employee will not be permitted to perform or continue performing any safety-sensitive function.

Additionally, Covered Employees are strictly prohibited from using, possessing, or being impaired by medically prescribed cannabis or marijuana. DOT regulations provide that a medical prescription for cannabis or marijuana is not a valid medical explanation for a positive controlled substance test result. Accordingly, there is no acceptable concentration of marijuana metabolites for Covered Employees. A Covered Employee who tests positive for marijuana may be subject to discipline (up to and including discharge) notwithstanding that s/he has a valid cannabis or marijuana prescription, is enrolled in a medical cannabis or marijuana registry, or is authorized to possess and use medical cannabis or marijuana under applicable state law.

Adulterated or Substituted Test Specimens

No Covered Employee may adulterate or substitute, or attempt to adulterate or substitute, a controlled substance or alcohol test specimen. If the County has actual knowledge that a Covered Employee has adulterated or substituted a controlled substance or alcohol test specimen, or has attempted to do so, the Covered Employee will not be permitted to perform or continue performing any safety-sensitive function.

Controlled Substance Testing

No Covered Employee may report to duty, remain on duty, or perform any safety-sensitive function if s/he tests positive for a controlled substance.

CONSEQUENCES OF VIOLATIONS

Covered Employees

A Covered Employee who has a confirmed positive or non-negative controlled substance or alcohol test result, refuses to test, or otherwise violates this policy, Policy 3282 Drug and Alcohol Free Workplace, or any other applicable County policy, law, regulation or rule will be prohibited from performing safety-sensitive functions under the terms of this policy and may be subject to discipline, up to and including termination of employment. Violators will be provided a listing of SAPs, provided that the County is not responsible for any costs or expenses associated with SAP evaluations or services. Except as required by law, the County is not obligated to reinstate a Covered Employee for a first confirmed positive or non-negative controlled substance or alcohol test result.

Applicants

An Applicant who refuses to test or has a confirmed positive or non-negative pre-employment controlled substance test result will not be eligible for employment with the County, and any conditional offer of employment made to the Applicant will be deemed immediately withdrawn.

DESIGNATED EMPLOYER REPRESENTATIVE

For purposes of this policy, the County's primary DER is the Director of Risk Management & Homeland Security, and the back-up DER is the Employee Relations Director. Questions concerning this policy and controlled substance and alcohol testing should be referred to the Director of Risk Management & Homeland Security. Questions regarding disciplinary actions, the County's Employee Assistance Program, and other employment-related matters should be referred to the Employee Relations Director.

EFFECTS OF DRUG AND ALCOHOL ABUSE

The effects of drug and alcohol misuse extend far beyond individual users. Employees who are impaired because of drugs or alcohol jeopardize the safety and health of themselves, their coworkers, and the public. Drug and alcohol misuse can also lead to decreased productivity, absenteeism, increased medical costs, personal crises, and other deleterious consequences.

Problematic Signs and Symptoms

The effects of drug and alcohol abuse can manifest in myriad ways. Noticeable signs of drug abuse include drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, irritability, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, and depression. Tell-tale signs of alcohol abuse include an odor of alcohol, slurred speech, staggering, tremors, vomiting, cramping, delirium, loss of appetite, poor balance, swaying, and confusion.

Abuse of multiple substances (e.g., alcohol, illegal drugs, prescription drugs, or over-the-counter drugs) is particularly dangerous. Different substances can interact with one another unexpectedly and produce dangerous effects. Individuals who abuse one substance have an increased risk of developing dependence on other substances. Abuse of multiple substances oftentimes begins with abuse of a single substance.

Methods of Intervention

Drug and alcohol abuse is a complex, serious issue that requires specialized treatment and care. Employees are encouraged to notify the Employee Relations Department whenever they believe a colleague is or may be struggling with substance abuse.

The County has an Employee Assistance Program to assist employees in addressing substance abuse issues. Employees who may have a substance abuse issue are encouraged to seek professional assistance through the

County's Employee Assistance Program or a health care provider of their choice before the problem affects their employment. For more information about the County's Employee Assistance Program, please contact the Employee Relations Department.

APPEAL PROCEDURES

No other appeal procedures are available under this policy.

RESERVATION OF RIGHTS

The County reserves the right to interpret and administer this policy and, at any time and in its sole discretion, to amend, supplement, modify, revoke, rescind, or change this policy in whole or in part, with or without notice or consideration. This policy is not an express or implied contract of employment, nor is it to be interpreted as such. Additionally, this policy does not in any way affect or change the status of any at-will employee. At-will employees continue to be free to terminate or resign their employment at any time, and the County continues to be free to terminate at-will employees without or without cause or notice, for any lawful reason or for no reason at all. Nothing in this policy is a promise or guarantee, or should be interpreted as a promise or guarantee, that the County will follow in any circumstances any particular course of action, whether disciplinary, rehabilitative, or otherwise.

COLLECTIVE BARGAINING AGREEMENTS

To the extent any provision of this policy conflicts with any provision of a collective bargaining agreement, the provision of the applicable collective bargaining agreement will control for employees who are covered under the collective bargaining agreement, provided that: (a) all other provisions of this policy shall remain in full force and effect; and (b) a collective bargaining agreement cannot modify or alter requirements prescribed under DOT regulations and other applicable laws.

Staff contact: Andy Benish Ext: 4382 Email: andy.benish@co.dakota.mn.us

Board Resolution or Manager Signature: /s/ Matt Smith 12/19/19