

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 128-17 AMENDING POLICY 41  
TIOGA COUNTY COMMERCIAL  
DRIVER LICENSE DRUG AND ALCOHOL  
TESTING

WHEREAS: The Legislature wishes to amend Policy 41 to reflect the regulations set forth in Federal Motor Carrier Safety Administration Sections 382.303 and 382.305; therefore be it

RESOLVED: That Section IV paragraph 3 Post Accident Testing sub-paragraph b is amended as follows:

b. Each employee performing safety sensitive functions with respect to a vehicle involved in an accident shall be tested for alcohol and drugs if:

- The accident involves a human fatality;
- The accident involves bodily injury with immediate medical treatment away from the scene and CDL operator cited for a moving violation;
- Disabling damage to any motor vehicle requiring tow away and CDL operator cited for a moving violation;

And be it further

RESOLVED: That Section IV paragraph 4 Random Testing sub-paragraph b is amended as follows:

b. The selection of employees for random alcohol or drug testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with the employee's social security number, payroll identification number or other comparable identifying number. Each employee shall have an equal chance of being tested each time selections are made. An employee may be selected for both types of tests at the same time;

And be it further

RESOLVED: That Section IV paragraph 4 Random Testing sub-paragraph c is amended as follows:

c. The number of random drug and alcohol tests conducted each year shall be consistent with the minimum annual percentage testing rate as determined by the Federal Motor Carrier Safety Administration;

And be it further

RESOLVED: That Section VII Violations, sub-paragraph A 1 is amended as follows:

1. Having a verified positive result after having taken a drug or alcohol test as required by this policy. For purposes of this subparagraph A, a verified positive result includes an alcohol test indicating an alcohol concentration of .04 percent or more;

And be it further

RESOLVED: That the remainder of Policy 41 is unchanged.

STATE OF NEW YORK)

ss.:

COUNTY OF TIOGA)

This is to certify that I, the undersigned, Clerk of the Tioga County Legislature, have compared the foregoing copy of the resolution with the original resolution now on file in the office, and which was passed by the Legislature of said County on the ninth day of May, 2017, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature this ninth day of May, 2017.



*Margaret J. Dougherty*  
Clerk of the Tioga County Legislature