

HILLSDALE COUNTY ROAD COMMISSION

March 28, 2025

MINUTES

Meeting was called to order by the Vice Chair, Gary Leininger, on Friday, March 28, 2025, at 10:00 a.m. at the road commission office.

Members Present: Gary Leininger, Mike Parney, Mark Kline, and Kathy Schmitt.

Members Absent: Bob Godfrey.

Staff Present: Bob Griffis, Manager.
Kathryn Kirkpatrick, Clerk.
Kwinn Leva, Administrative Assistant.

Visitors Present: Doug Ingles – Hillsdale County Commissioner.
Susan Smith – Economic Development Partnership of Hillsdale County.
Sally Clark – Economic Development Partnership of Hillsdale County.
Howie Kesselring.

Pledge of Allegiance

APPROVAL OF AGENDA

#25-036 Mark Kline moved, Kathy Schmitt supported, to approve the agenda for March 28, 2025.

Motion Carried.

APPROVAL OF MINUTES

#25-037 Mike Parney moved, Mark Kline supported, to approve the minutes for March 13, 2025, for the regular meeting.

Motion Carried.

CONFIRMATION OF ACCOUNTS PAYABLE AS AUTHORIZED FOR PAYMENT BY THE STAFF

#25-038 Mark Kline moved, Kathy Schmitt supported, to approve the following:

Bills in the amount of \$420,332.03 per Regular Accounts Payable Check Register dated March 20, 2025, as authorized by manager and clerk.

Motion Carried.

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CONFIRMATION OF PAYROLL AS AUTHORIZED FOR PAYMENT BY THE STAFF

#25-039 Mike Parney moved, Mark Kline supported, to confirm the following:

Regular payroll in the amount of \$121,305.60 per Payroll Check Register dated March 27, 2025, as authorized by the manager and clerk.

Motion Carried.

TREASURER'S REPORT PRESENTED

The treasurer's report was presented by the clerk as follows:

Beginning Balance-Cash & Investments	\$ 2,420,890.72
Receipts	\$ 17,196.47
Disbursements	(\$ 541,637.63)
Ending Cash & Investments Balance	\$ 1,896,449.56
Less: Bonds in Escrow	(\$ 10,250.00)
CD Reserved for 2 trucks	(\$ 675,405.86)
Ending Available Fund Balance	\$ 1,210,793.70

Note: Outstanding Accounts Payable = \$ -2,578.04

As there were no questions or comments regarding the report, the chair declared the report to stand approved as read.

STANDING ORDER

Economic Development Partnership of Hillsdale County

Susan Smith and Sally Clark from the Economic Development Partnership of Hillsdale County spoke about the purpose, activities, and events provided by the Economic Development Partnership of Hillsdale County.

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LIMITED PUBLIC COMMENT

At 10:45 A.M., the vice chair opened the meeting to limited public comment.

Howie Kesselring addressed the board regarding the condition of Houseknecht Rd.

Manager's Comment

Received an email from the City of Reading regarding a water main replacement project.

Received information from Stoneco reference the possible closure of Bibbons Road.

Finished the tree work on Somerset Road.

Nichols Road has stumps that need removed and ditch and de berm.

Done with Riker Road trees and only have de berming left.

Lots of complaints have been made about Vicary Road and have been working on patching it.

Discussed the condition of Jerome Road.

Cross tube on S. Hillsdale Road south of Cellars Road failed and in the process of replacing it.

Frost laws came off this morning.

Night shift has ended.

Reached 80% for salt.

Looked at two used high rangers.

Old Business

Board discussed the tube on Territorial Road east of Bird Lake Road.

Board discussed the Elm Road Bridge.

Board discussed Houseknecht Road.

AUTHORIZE CLERK TO TRANSFER MONEY FROM PRIMARY TO LOCAL

#25-040 Mark Kline moved, Kathy Schmitt supported, to authorize clerk to transfer \$1,907,268.91 from Primary to Local fund.

Motion Carried.

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APPROVE REVISED POLICY #102 – DRUG AND ALCOHOL POLICY

#25-041 Mike Parney moved, Mark Kline supported, to Approve Revised Policy #102 – Drug and Alcohol Policy. See attachment.

Motion Carried.

TOWNSHIP AGREEMENTS APPROVED

The following township agreements were presented for board approval:

<u>Township</u>	<u>Work Type</u>	<u>Est. Cost</u>	<u>Twp Share</u>
Wright	Road Stabilization – 40 Miles 1 Application	\$ 24,000.00	\$12,000.00
	Spot Gravel Patch – 2,250 Tons Various Roads	\$ 104,625.00	\$64,125.00
	Lime Lake Rd. – Coman/Elm 1.01 Miles Paver Patch/Sealcoat/Fog Seal/Shoulder Gravel	\$ 62,100.00	\$ 43,200.00
Amboy	Harmon & Frontier Intersection 1” Gravel, Shape, Compact (using township material)	\$ 68,280.00	\$ 15,000.00
Jefferson	Road Stabilization – 37 Miles 1 Application	\$ 22,200.00	\$ 11,100.00
	Streets in Osseo – Blackbridge/Osseo 2.34 Miles Sealcoat/Fog Seal	\$ 85,375.00	\$ 61,975.00
	Beecher Rd – Lk Pleasant/Blackbridge 0.57 Miles Paver Patch/Sealcoat/Fog Seal/Shoulder Gravel	\$ 83,700.00	\$ 56,000.00
	Beecher Rd – Blackbridge/Bird Lake 0.45 Miles Paver Patch/Sealcoat/Fog Seal/Shoulder Gravel	\$ 48,575.00	\$ 32,575.00
Scipio	Road Stabilization – 31 Miles 1 Application	\$ 18,600.00	\$ 9,300.00
	Spot Gravel Patch – 1,500 Tons Various Roads	\$ 49,500.00	\$ 22,500.00
	Winfield Rd – Mosherville/Goose Lk 0.79 Miles Sealcoat/Fog Seal	\$ 29,000.00	\$ 21,000.00

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Streets in Mosherville - West & East of Winfield 0.79 Miles - Sealcoat/Fog Seal	\$ 28,800.00	\$ 20,800.00
Cranberry Lk – Sterling/Litchfield Paver patch/shoulder gravel	\$ 31,250.00	\$ 20,400.00
Mosherville Rd – Rainey/Borden Paver patch/shoulder gravel	\$ 31,250.00	\$ 20,400.00

#25-042 Mark Kline moved, Kathy Schmitt supported, that the township agreements, contingent on prioritization, be approved and signed.
Motion Carried.

CLOSED SESSION RE: LABOR CONTRACT NEGOTIATIONS

#25-043 At 11:37 a.m., Kathy Schmitt moved, Mark Kline supported, to go into closed session to conduct labor negotiations with the Manager. Roll Call vote: Yeas, Gary Leininger, Kathy Schmitt, Mark Kline. Nays, none. Members Absent, Bob Godfrey, Mike Parney.
Motion Carried.

RECONVENE REGULAR SESSION

#25-044 At 12:36 a.m., Mark Kline moved, Gary Leininger seconded, to reconvene regular session. Roll Call vote: Yeas, Gary Leininger, Kathy Schmitt, Mark Kline. Nays, none. Members Absent, Bob Godfrey, Mike Parney.
Motion Carried.

LIMITED PUBLIC COMMENT

At 12:37 A.M., the vice chair opened the meeting to limited public comment.

No Comment.

MEETING ADJOURNED 12:37 P.M.

#25-045 Mark Kline moved, and Kathy Schmitt supported, to adjourn the meeting at 12:37 p.m.


Chair


Clerk



POLICY# 102

DRUG AND ALCOHOL TESTING POLICY

Effective: November 14, 2024

Revised: March 28, 2025

Not only can the use and/or abuse of drugs or alcohol jeopardize the health, safety and well-being of the individual user and all of our employees, it can also endanger the safety of the general public, jeopardize the safety of our roads and highways and cause serious accidents and casualties. In view of these problems, the HCRC wants to clearly state its policy to accurately detect and deter the use of drugs and alcohol in our transportation and work environment, either through testing, cessation of use, or termination of employment. This Policy is intended to comply with the United States Department of Transportation (DOT) regulations regarding drug and alcohol testing.

I. DEFINITIONS:

- A. **"Alcohol"** means any alcohol or intoxicating liquid containing alcohol or other fermented or distilled liquors.
- B. **"Commercial Vehicle"** means any self-propelled or towed vehicle used on public highways to transport passengers or property, wherein the vehicle has a gross vehicle weight rating or gross combination weight rating of twenty six thousand one (26,001) or more pounds, the vehicle is designed to transport more than sixteen (16) passengers, including the driver, or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued under the Hazardous Materials Transportation Act, or any Employer vehicle or equipment.
- C. **"Controlled Substance Abuse"** includes using a prescribed drug for purposes other than those for which the drug was prescribed or not in the prescribed manner.
- D. **"Driver"** means an employee who is required to maintain a Commercial Drivers License (CDL) by the HCRC whether the law or their position requires a Commercial Drivers License (CDL) or not.
- E. **"Premises"** includes, but is not limited to, all property, whether owned or leased or used by the HCRC. This Policy also includes any other locations or modes of work or transportation to and from those locations and/or while in the course and scope of employment.
- F. **"Prohibited Substances"** means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any country and Federal, State, and local laws and regulations in the United States, including those listed in Schedule I (21 CFR Part 1308) or identified in Appendix D of the Federal Motor Carrier Safety Regulations. Examples include street drugs such as cocaine, heroin, marijuana (even if prescribed by a physician), and phencyclidine and controlled substances such as amphetamine, methamphetamine, and barbiturates. Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are also considered to be "prohibited substances."
- G. **"Reasonable Suspicion"** is the observation of aberrant or unusual on-duty behavior of an individual employee which:
 - a. is observed on-duty by the employee's immediate supervisor or higher-ranking employee who, through training or experience, can recognize the symptoms of drug abuse, impairment or intoxication (which observations shall be documented by the observers); and

- b. is the type of behavior which is a recognized and accepted symptom of intoxication or impairment caused by controlled substances or alcohol or addiction of or dependence upon said substances; and
 - c. is not reasonably explained as resulting from causes other than the use of controlled substances and/or alcohol (such as, but not by way of limitation, fatigue, lack of sleep, side effect of prescription or over-the-counter medications, reaction to noxious fumes or smoke, etc.)
- H. **"Reportable Accident"** means a job-related accident or job-related incident which results in personal injury which requires off-site medical care or treatment or causes property damage estimated to exceed **\$500.00**.
- I. **"Under the Influence"** means that the worker is impaired in his/her ability to safely, efficiently, or competently perform the duties of his/her job due to use of or having in their bodily system alcohol, or illegal drugs. A determination of impairment may be made by analysis of breath, blood, or by personal observation and assessment.
- J. **"Under the Influence of Alcohol"** means a blood alcohol level of 0.02% BRAC or greater.

II. DRUG/ALCOHOL USE PROHIBITIONS

No Employee of HCRC shall:

- A. Possess, be under the influence of, or use, any prohibited substance, narcotic drug, any derivative thereof, or any other substance to a degree which renders the employee incapable of safely performing his or her duties, while on duty, while on HCRC Premises, or while operating a motor vehicle or equipment for HCRC business.
- B. Consume an intoxicating beverage regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within four (4) hours before going on duty, or operating, or having physical control of a motor vehicle or other vehicle or equipment.
- C. Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration of 0.02% or greater while on duty, while on HCRC Premises, or while operating, or having physical control of a motor vehicle or other vehicle or equipment.
- D. Refuse to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen, and release of the results to the HCRC.
- E. Refuse to cooperate with the collection site personnel, HCRC personnel, or in any way refuse to provide a specimen when required.
- F. Refuse to provide a specimen when required under this policy.
- G. Fail to inform appropriate HCRC officials of a reportable accident as soon as possible.

- H. Use alcohol or other prohibited substances within eight (8) hours of a reportable accident or until:
 - a. The employee has been drug and alcohol tested, or
 - b. The employee's conduct has been discounted as a contributing factor in the accident and will not be required to provide a specimen.
- I. Distribute prohibited substances to any other employee while on HCRC'S Premises.

III. MANDATORY TESTING AND POLICY ENFORCEMENT

Employees are informed, advised and reminded that HCRC employees perform safety sensitive work, and that the Policy is for the protection of the entire work force. Therefore, employees should have no expectation of privacy while on the HCRC'S time, when operating a motor vehicle or other vehicle or equipment for HCRC business, while representing or conducting business on behalf of HCRC and/or on HCRC'S premises.

The following procedures will be employed to ensure compliance with this policy.

- A. **Testing.** Employees are required to submit to drug and alcohol testing under the following circumstances:
 - a. After receiving a conditional offer of employment.
 - b. Where HCRC has reasonable suspicion to believe that an employee is under the influence of a prohibited substance or alcohol while on duty, while on HCRC'S Premises or while operating a vehicle or other equipment for HCRC business.
 - c. As part of biennial physical where required by law.
 - d. As part of a transfer/promotion to a position which requires possession of a Commercial Driver's License.
 - e. As part of a random selection process.
 - f. Follow-up testing as required by the rules of the Department of Transportation (the employee is responsible for the cost of follow-up testing); and
 - g. Following a reportable accident/incident.
 - h. Upon returning to work after an absence of thirty (30) calendar days or more due to layoff or leave of absence (other than FMLA leave unless the cause of the FMLA leave was related to substance abuse).
- B. **Post-Accident Testing.** Alcohol testing shall be done as soon as possible but not later than eight (8) hours following a "reportable accident". The drug specimen will be collected as soon as possible, not to exceed thirty-two (32) hours after the accident.

- C. **Searches.** An employee's refusal to submit to 1) a lawful security exam, 2) a lawful search or 3) inspection of his/her personal property located on Hillsdale County Road Commission premises, work sites or facilities, including, but not limited to, Hillsdale County Road Commission buildings, parking lots, driveways and vehicles, or to a physical examination, including but not limited to, the collections of urine or breath samples to be submitted for alcohol, illegal drug and controlled substances screening and confirmation tests, where the Employer has reasonable suspicion based on specific, contemporaneous, articulable objective evidence that the employee is in violation of the Employer's work place policy shall be grounds for discharge. Such objective evidence may include observations concerning the employee's appearance or behavior indicating the chronic and withdraw effects of controlled substances.
- D. **Testing Procedure.** All tests will be conducted in accordance with applicable regulations published by the Department of Transportation in a manner allowing individual privacy unless there is a reason to believe that a particular individual may/or has altered or substituted the specimen provided. All tests will be collected at designated collection sites under the supervision of trained collectors.
- E. **Availability of Test Results.** The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician who has knowledge of substance abuse disorders (MRO). If the tests are positive, the individual tested will be advised of the results and the type of drug or drugs discovered. The individual tested will be given the opportunity to discuss the test results with the licensed physician prior to the time the test results are made available to HCRC. After notification of
the MRO's final positive determination, the employee has seventy-two (72) hours to request a test of the "split specimen" at another DHHS certified laboratory designated by HCRC.
- i. The documentation of results of the test will not be made available to other parties except upon the written request of the individual, or when an applicable DOT regulation requires such disclosure, or if in the MRO's reasonable judgment, the information could result in the employee being medically unqualified to perform their duties, or if the information would cause a safety risk.
- F. **Re-testing of Original Split Specimen.** The employee may request the MRO in writing, to have the "split specimen" of a positive test re-tested at another DHHS certified laboratory selected by HCRC. The employee will be required to pay the laboratory fee for the retest, in advance. In the event an employee requested "split specimen" test is determined to be negative by the independent laboratory test; the employee shall be reimbursed for their advance payment of laboratory fees.

IV. PRESCRIPTION AND NON-PRESCRIPTION MEDICINE

Before any drug test is given, the employee or prospective employee may note the use of any prescription or non-prescription medications. The laboratory procedures will report the significant presence of all prescription and non-prescription drugs.

Any employee using a medication which their physician has advised the employee the use of such medication may affect the employee's ability to safely operate a motor vehicle, or the employee's ability to otherwise perform the duties of their position, shall promptly notify the Employer that they are currently using such medication.

The presence in the body of over-the-counter or prescribed drugs lawfully obtained with a prescription and taken in the appropriate manner, **other than marijuana**, will not be grounds for disciplinary action, so long as the employee discloses the lawful use of those drugs to the medical clinic, physician's office, or hospital designated by HCRC before a drug test is administered and the use of the drugs does not impair the employee's judgment, ability, or performance while at work. For prescribed drugs, "taken in the appropriate manner" means that a physician prescribed the drug for the employee and that the employee used the drug according to the prescribed dosage and frequency of use. **Employees are strictly prohibited from using, having in their bodily system or being under the influence of marijuana, regardless of a prescription.**

V. SELF-REFERRAL FOR TREATMENT

HCRC recognizes that an employee who is unfit for duty due to drug or alcohol abuse is a safety risk to themselves, their fellow employees and the motoring public. Consequently, HCRC believes strongly in the concept of zero tolerance regarding substance abuse in the workplace. To this end, HCRC seeks to deter substance abuse through the implementation of this Policy. However, HCRC encourages its employees, who may have substance abuse problems, to voluntarily refer themselves to treatment programs. Said self-referral must occur prior to selection for testing, or identification of a positive result.

An employee who initiates their own treatment shall be exempt from the penalties of this Policy, subject to the terms and conditions set forth herein.

In order to be exempt, the employee's self-referral must occur prior to any HCRC initiated testing. The Self-Referral declaration by an employee at the time of testing shall not be allowed as an exemption from the implementation of discipline under this Policy.

An employee who has referred themselves for treatment shall be required to successfully complete a substance abuse rehabilitation program that includes a return-to-work drug and alcohol test prior to their return to work. In the event an employee tests negatively, the employee will be allowed to return to work. If s/he tests positive, the employee must successfully complete a HCRC-approved substance abuse rehabilitation program including execution of a medical information waiver which gives the rehabilitation provider(s) the authorization to share confidential medical information so that HCRC can monitor the employee's progress in the treatment program.

VI. PENALTIES FOR POLICY VIOLATIONS

In addition to the penalties mandated by the Department of Transportation (see below), any s/he violates any provision of this Policy shall be subject to discipline up to and including immediate discharge.

A. Department of Transportation Violations:

- a. A driver who refuses to provide the required specimens when the driver has been

involved in a fatal accident or fails to give a urine sample in accordance with post-accident testing requirements may be disqualified to operate a commercial vehicle for one (1) year and may be discharged from employment with HCRC.

- b. A driver shall be disqualified to operate a commercial vehicle for a period of one (1) year, following a positive result of controlled substance use, when the driver has been involved in a fatal accident and shall be discharged as an employee of HCRC.
- c. A driver who operates a commercial vehicle while under the influence of alcohol as hereinafter defined shall be discharged as an employee of HCRC and shall be disqualified to operate a commercial vehicle for a period of one (1) year after the date of conviction if during the three (3) years preceding that date the driver was not convicted of an offense that would otherwise disqualify the driver. A driver is disqualified for three (3) years after the date of their conviction if during the three (3) years preceding that date; he was convicted of an offense that would disqualify him to operate a commercial vehicle as a consequence of driving a commercial vehicle under the influence of alcohol or other prohibited substance, under the following circumstances:
 - i. The driver was driving a commercial vehicle at a time the driver's alcohol concentration was 0.04% or more; or
 - ii. Driving under the influence of alcohol as prescribed by state law; or
 - iii. Refusal to undergo such testing as is required by any state or jurisdiction for the presence of alcohol; or
 - iv. Driving a motor vehicle under the influence of a controlled substance unless the controlled substance is a medication prescribed by the driver's physician and the physician is aware of the individual's duties as a driver.
- d. Any driver who provides a positive alcohol test result of 0.02% or greater but less than 0.04% shall be mandated to wait a minimum of twenty-four (24) hours prior to again reporting for duty. This shall be considered a first positive test, and any subsequent positive alcohol test shall disqualify the individual for employment.

VII. ESTABLISHMENT OF EMPLOYEE ASSISTANCE PROGRAM

HCRC has established an employee assistance program to help employees solve substance abuse problems. The program includes the following:

- A. The training of supervisors to understand the effects and consequences of drug and alcohol use on personal health and safety in the work environment, as well as to train such personnel regarding the recognition of behavior which may indicate drug or alcohol use and abuse.

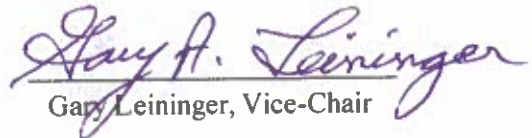
- B. Documentation of training given to drivers and motor carrier supervisor personnel.
- C. Information regarding Employer assistance for employees who have a substance abuse problem is available upon request.

VIII. FITNESS FOR DUTY / CALL-IN

It shall be the Policy of HCRC that any employees called to report for duty, during emergency or unscheduled operations shall be personally asked and shall personally respond to HCRC'S question(s) regarding their fitness for duty with respect to the consumption of drugs and/or alcohol. Further, the employee shall be required to notify HCRC'S representatives if and at any time the employee is not fit to perform their duties for in a safe manner as such fitness may relate to the consumption of drugs and/or alcohol.

NOTICE: Any employee, who possesses, sells, attempts to sell, or in any other way distributes illicit narcotics or illegal drugs on HCRC property or equipment or during work hours will be discharged. Law enforcement officials will be informed of such conduct.

Robert R. Godfrey, Chairman


Gary Leininger, Vice-Chair



Mike Parney, Member



Kathleen A. Schmitt, Member



Mark Kline, Member