

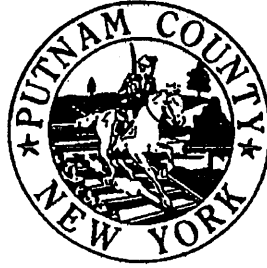
THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue

Carmel, New York 10512

(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery Dist. 1
William Gouldman Dist. 2
Toni E. Addonizio Dist. 3
Ginny Nacerino Dist. 4
Greg E. Ellner Dist. 5
Paul E. Jonke Dist. 6
Joseph Castellano Dist. 7
Amy E. Sayegh Dist. 8
Erin L. Crowley Dist. 9

AGENDA

PERSONNEL COMMITTEE MEETING

TO BE HELD IN ROOM 318

PUTNAM COUNTY OFFICE BUILDING

CARMEL, NEW YORK 10512

Members: Chairman Jonke, Legislators Castellano & Nacerino

Tuesday

November 14, 2023

(Immediately Following the 6:30p.m. Health Mtg.)

1. Pledge of Allegiance
2. Roll Call
3. Acceptance/Personnel Committee Meeting Minutes – September 7, 2023
4. Approval/ Appointment of Commissioner of DSS, Mental Health & Youth Bureau/ Sara Servadio/ County Executive Kevin Byrne
5. Approval/Financial Disclosure List for the Year 2024 Filing Recommended by the Putnam County Personnel Officer Pursuant to Code Section 55-7/ Personnel Officer Paul Eldridge
6. Discussion/ New Position, Mental Health Outreach Worker – FY23 Implementing Crisis Intervention Teams- Community Policing Development Solicitation Grant/ Sheriff Kevin McConville & Mental Health, Social Services, & Youth Bureau Deputy Commissioner Sara Servadio
7. Approval/ Budgetary Amendment - 23A071/ New Position, Mental Health Outreach Worker- Member of Police & Mental Health Co-Response Team/ Sheriff Kevin McConville & Mental Health, Social Services, & Youth Bureau Deputy Commissioner Sara Servadio
8. Approval/ Putnam County Employee Policy Update - Drug and Alcohol Policy/ Sr. Personnel Specialist Patricia Rau

9. FYI/ Accident Report

10. FYI/ Incident Report

11. Other Business

12. Adjournment

Nov.
Pers.

#3

PERSONNEL COMMITTEE MEETING
40 Gleneida Avenue Room #318
Carmel, NY 10512

Committee Members: Chairman Jonke, Legislators Castellano & Nacerino

Thursday

September 7, 2023

(Immediately Followed the 6:00p.m. Physical Mtg.)

The meeting was called to order at 6:17PM by Chairman Jonke who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call Legislators Castellano and Chairman Jonke were present. Legislator Nacerino was absent.

Item #3 - Acceptance/Personnel Committee Meeting Minutes August 8, 2023

Chairman Jonke stated the minutes were accepted as submitted.

Item #4 - Approval/ Confirmation Appointment of Thomas Feighery as Putnam County Commissioner of Department of Public Works/ County Executive Kevin Byrne

Chairman Jonke stated County Executive Byrne announced that he has appointed Thomas Feighery (Tommy) to be the Putnam County Commissioner of Department of Public Works (DPW). He explained that Tommy was unable to be in attendance this evening due to a family matter. He stated he would be the first to say that he is very happy that Tommy will be at the helm of the DPW. He stated he has known Tommy for many years, including outside of public service. He stated Tommy does a great job, he works hard and knows how to get things done.

Legislator Castellano stated that he had the pleasure of sitting in on the interview process for this position. He stated he was present at Tommy's interview. He stated he has a stellar resume, he has been doing great work for Putnam County for a number of years. He stated there were a lot of great candidates who applied for the position. He stated Tommy did rise above and Putnam County is very fortunate to have Tommy at the helm moving forward.

Legislator Addonizio stated she too is ready to support Tommy as Putnam County's Commissioner of DPW. She stated his experience and skillset are a perfect fit for this position. She stated she is very happy to see this appointment move forward.

Legislator Crowley stated she has been serving in her position for only 9 months. She stated in that time every time she has contacted Tommy with a matter on behalf of her constituents, he has helped. She stated he is a pleasure to work with and she is thrilled to support this appointment.

Legislator Gouldman stated he also had the pleasure of being a part of the interview process. He stated that he has worked with Tommy related to projects in his Legislative District and recently on time sensitive matters as a result of the aftermath of the heavy rains that impacted areas of Putnam

County July 9, 2023. He stated Tommy has great leadership skills. He looks forward to working with Tommy as Commissioner of DPW.

Legislator Sayegh stated she agrees with her colleagues. She stated he is a great asset to the County. He is down to earth and knows how to get the job done. She stated Tommy is quick to assess and responds to inquiries she has made on behalf of her constituents. She listed as an example a couple of the projects he has helped her and her constituents with. She stated she is in full support of this appointment.

Legislator Ellner stated he agrees that Tommy is the right person to lead the County in the newly formed Putnam County Department of Public Works.

Chairman Jonke made a motion to Approval/ Confirmation Appointment of Thomas Feighery as Putnam County Commissioner of Department of Public Works; Seconded by Legislator Castellano. All in favor.

Item #5 – FYI/ Accident Report – Duly Noted

Item #6 - FYI/ Incident Report – Duly Noted

Item #7 - Other Business- None

Item #8 - Adjournment

There being no further business at 6:15PM Chairman Jonke made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.

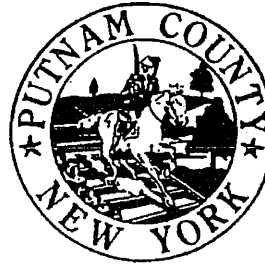
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PERSONNEL COMMITTEE MEETING

TO BE HELD IN ROOM 318

PUTNAM COUNTY OFFICE BUILDING

CARMEL, NEW YORK 10512

Members: Chairman Jonke, Legislators Castellano & Nacerino

Thursday

September 7, 2023

(Immediately Following the 6:00p.m. Physical Mtg.)

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance/Personnel Committee Meeting Minutes – August 8, 2023**
- 4. Approval/ Confirmation Appointment of Thomas Feighery as Putnam County Commissioner of Department of Public Works/ County Executive Kevin Byrne**
- 5. FYI/ Accident Report**
- 6. FYI/ Incident Report**
- 7. Other Business**
- 8. Adjournment**

cc: all
Res 11/14

#4

Whereas, County Executive Kevin M. Byrne has appointed Sara Servadio as Commissioner of Social Services, Mental Health & Youth Bureau, effective November 10, 2023, pursuant to Sections 10.01 and 10.08 of the Putnam County Charter as well as Article III, Title 7-B §116 of the New York State Social Services Law; and

Whereas, the Commissioner of Social Services, Mental Health & Youth Bureau is a term appointed position of 5 years; and

Whereas the current term time frame began on April 1, 2019, and expires on April 1, 2024; and

Whereas Ms. Servadio is being appointed to serve the remainder of the current term's time frame, after which, she would be eligible for a full five-year term; and

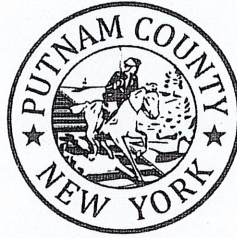
Whereas, the Personnel Committee of the Putnam County Legislature considered and recommends approval of this appointment, now therefore be it

Resolved, that the Legislature hereby confirms the appointment of Sara Servadio as Commissioner of Social Services, Mental Health & Youth Bureau for Putnam County pursuant to Sections 10.01 and 10.08 of the Putnam County Charter as well as Article III, Title 7-B §116 of the New York State Social Services Law; and be it further

Resolved that Sara Servadio shall serve the remainder of the current term time frame as stated above; and be it further

Resolved, that this appointment shall comply with the requirements to file an Oath of Office pursuant to New York State law.

2023 NOV - 8 AM 10:30
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY



cc: all
Personnel

PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

Date: November 1, 2023
To: Ms. Diane Schonfeld
Clerk, Putnam County Legislature
From: County Executive Kevin Byrne
Subject: Appointment and Personnel Updates

It is my privilege to appoint Ms. Sara Servadio as Commissioner of the Department Social Services, Mental Health and Youth Bureau, effective November 10, 2023, and in accordance with §10.01 of the Putnam County Charter shall be named Commissioner following a majority confirmation by the County Legislature. I recommend her salary be \$153,740 for the remainder of 2023 and \$157,968 effective January 1, 2024, inclusive of a 2.75% cost-of-living adjustment in the 2024 Putnam County budget. This proposed salary structure remains within the budgeted amount for the position in both the 2023 adopted budget, and 2024 adopted budget.

Per New York State requirements, Ms. Servadio will fill the remainder of Commissioner Piazza's five-year term that expires April 1, 2024. Under § 116 Social Services Law, the Commissioner will then be appointed to a term of five years.

Ms. Servadio has over twenty years of experience in the social services and mental health field and has served in the position of Deputy Commissioner of Social Services, Mental Health and Youth Bureau since February 2022. This decision comes after a thorough vetting and interview process conducted by our interview committee consisting of a diverse group of professionals. I respectfully ask that the appointment of Ms. Servadio be placed on the agenda for the next appropriate Legislative Committee meeting with the intention that the position be voted on during the full Legislative meeting scheduled afterwards. Attached is Ms. Servadio's resume and application for your review.

Thank you for your detailed attention.

Respectfully submitted,

Kevin M. Byrne
Putnam County Executive

NOV 1 2023 OCT 31 PM 2:11
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

Attachments

cc: Paul Eldridge, Personnel Director
Michael Lewis, Commissioner of Finance

Copy

September 11, 2023

Paul Eldridge, Personnel Director
110 Old Route 6, Bldg. 3
Carmel, New York 10512

Dear Mr. Eldridge,

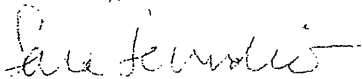
As a Putnam County resident and loyal employee under the leadership of County Executive Kevin Byrne, I am excited to formally apply for the position of Commissioner of Mental Health, Social Services and Youth Bureau.

Throughout my career, I have had the opportunity, under the guidance of talented leadership with mentors including Commissioner Michael Piazza, to refine my leadership skills and develop strong relationships with community partners. I am confident that the skills I have gained as his Deputy, as well as my passion for the work being done here, make me an ideal fit.

In my role as Deputy Commissioner, I understand the importance of the vital services offered through Mental Health, Social Services and the Youth Bureau, and the critical role our department plays in contracting, monitoring, and delivering services to the residents of Putnam County. I understand the significance of promoting wellness and recovery while ensuring public safety and remaining fiscally responsible.

I look forward to working with the County Executive and as a part of his leadership team to ensure the provision of the best possible services to the people of Putnam County.

Sincerely,



Sara Servadio



**Office of Temporary
and Disability Assistance**

KATHY HOCHUL
Governor

DANIEL W. TIETZ
Acting Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

January 24, 2022

Michael Piazza, Jr.
Commissioner
Putnam County Department of Social Services
and Mental Health
110 Old Route 6
Carmel, NY 10512

Dear Commissioner Piazza:

Thank you for providing the resume of Sara Servadio for the position of Deputy Commissioner of the Putnam County Department of Social Services and Mental Health.

Sara Servadio meets the minimum qualifications for Deputy Commissioner as established for Putnam County and approved pursuant to 18 NYCRR 680.1, and I am pleased to approve this appointment effective February 8, 2022.

If you have any questions, please contact Colleen Brooks at (518) 474-9630.

Sincerely,

Daniel W. Tietz
Acting Commissioner

cc: Sheila Poole
Barbara C. Guinn

Per.
11/14

Approval
#5

**APPROVAL/ FINANCIAL DISCLOSURE LIST FOR THE YEAR 2024 FILING
RECOMMENDED BY THE PUTNAM COUNTY PERSONNEL OFFICER PURSUANT TO
CODE SECTION 55-7**

WHEREAS, Section 55-7 of the Code of Putnam County requires that the Legislature annually by resolution determine which officers and employees of Putnam County are required to comply with the disclosure requirements of Chapter 55 of the County's Code; and

WHEREAS, pursuant to Section 55-7 of the Putnam County Code, the County Personnel Officer has submitted his recommendations for officers and employees subject to the County's Financial Disclosure Reporting requirements indicating which officers and employees must file the Policy Form and which officers and employees must file the Advisory Form; and

WHEREAS, the Putnam County Legislature has reviewed and recommends the adoption of said recommendation of the Personnel Officer; now therefore be it

RESOLVED, that the Putnam County Legislature hereby determines that those officers and employees of Putnam County delineated on the annexed list recommended by the Putnam County Officer of Personnel are required to comply with the disclosure requirements contained in Chapter 55 of the Code of Putnam County by filing the designated disclosure form as contained in the recommendation.

Financial Disclosures Required for 2024
 Calendar Year 2023 Informaton

*cc: all
Pers*

Department or Agency	Title	A or P
Agriculture & Farmland Protection Board	All Members	P
Board of Elections	Commissioner	P
Board of Elections	Deputy Commissioner	P
Board of Electrical Examiners	All Members	P
Board of Ethics	All Members	P
Board of Health	All Members	P
Bureau of Emergency Services	Commissioner of Emergency Services	P
Bureau of Emergency Services	Deputy Commissioner of Emergency Services	P
Bureau of Emergency Services	Director of Emergency Medical Services	P
Community Services Board	All Members	A
Consumer Affairs/Weights & Measures/Trades & Licens.	Director	P
County Clerk	Assistant Records Management Officer	P
County Clerk	County Clerk	P
County Clerk	Deputy County Clerk	P
County Clerk	First Deputy County Clerk	P
County Clerk - Motor Vehicle Division	Deputy County Clerk	P
County Coroner	Coordinator of Coroners	P
County Coroner	Coroner	P
County Executive's Office	County Executive	P
County Executive's Office	Deputy County Executive	P
County Executive's Office	Chief of Staff	P
County Executive's Office	Director of Compliance & Intergovernmental Relations	P
County Historian's Office	County Historian	P
County Legislature	Audit Manager	P
County Legislature	Chair, County Legislature	P
County Legislature	Clerk to the Legislature	P
County Legislature	County Auditor	P
County Legislature	Deputy Clerk to the Legislature	P
County Legislature	Deputy County Auditor	P
County Legislature	Legislator	P
Department of Public Works	Commissioner of DPW	P
Department of Public Works	Deputy Commissioner of DPW	P
Department of Public Works	Fiscal Manager	P
Department of Public Works	Park Superintendent	P
Department of Public Works	Supervisor, Maintenance & Construction	P
Department of Public Works	Supervisor, Planning & Design	P
District Attorney's Office	Assistant District Attorney	P
District Attorney's Office	Chief Assistant District Attorney	P
District Attorney's Office	District Attorney	P
District Attorney's Office	First Assistant District Attorney	P
Emergency Services Safety Advisory Board	All Members	A
East of Hudson Watershed Conservation Board	All Members/Directors & Staff	P
Finance Department	Commissioner of Finance	P
Finance Department	Deputy Commissioner of Finance	P
Finance Department	First Deputy Commissioner of Finance	P
Health Department	Commissioner of Health	P
Health Department	Director of Environmental Health Services	P
Health Department	Senior Fiscal Manager	P

2023 NOV -8 PM 4:39
 LEGISLATURE
 PUTNAM COUNTY
 CARMEL, NY

Financial Disclosures Required for 2024
Calendar Year 2023 Informaton

Department or Agency	Title	A or P
Home Improvement Board	All Members	P
IT/GIS	Director of IT/GIS	P
Law Department	County Attorney	P
Law Department	Deputy County Attorney	P
Law Department	First Deputy County Attorney	P
Law Department	Risk Manager	P
Law Department	Senior Deputy County Attorney	P
Mental Health	Commissioner of Mental Health	P
Mental Health	Deputy Commissioner of Mental Health	P
Office for Persons with Disabilities	Coord., Office for People with Disabilities	P
Office for Senior Resources	Director, Office for Senior Resources	P
Office for Senior Resources	Deputy Director, Office for Senior Resources	P
Office for Tourism	Director	P
Personnel Department	Personnel Officer	P
Personnel Department	Deputy Personnel Officer	P
Personnel Department	Principal Personnel Specialist	P
Personnel Department	Senior Personnel Specialist	P
Planning & Development	Commissioner of Plan., Devel. & Public Transp.	P
Planning & Development	Deputy Commissioner of Plan., Devel. & Public Tr.	P
Planning & Development	Director of Transportation	P
Plumbing Board	All Members	P
Probation Department	Probation Director	P
Purchasing & Central Services	Director of Purchasing & Central Services	P
Purchasing & Central Services	Asset Manager	P
Putnam County Industrial Development Agency	All Members	P
Real Property Tax Services	Director, Real Property Tax Services	P
Region 3 Fish & Wildlife Management Board	Member, Putnam County Representative	A
Region 3 Forest Practice Board	Member, Putnam County Representative	A
Sheriff's Department	Civil Division Captain	P
Sheriff's Department	Criminal Investigations Captain	P
Sheriff's Department	Operations Captain	P
Sheriff's Department	Corrections Captain	P
Sheriff's Department	Corrections Lieutenant	P
Sheriff's Department	Road Patrol Captain	P
Sheriff's Department	Sheriff	P
Sheriff's Department	Undersheriff	P
Social Services Department	Commissioner of Social Services	P
Social Services Department	Coordinator, Child Advocacy Center	P
Social Services Department	Coordinator, Child Support Enforcement Unit	P
Social Services Department	Coordinator, IT & Staff Development	P
Social Services Department	Coordinator, Medicaid/Long Term Care	P
Social Services Department	Deputy Commissioner of Social Services	P
Social Services Department	Director of Children & Family Services	P
Social Services Department	Director of Eligibility	P
Social Services Department	Fiscal Manager	P
Social Services Department	Social Services Attorney	P
Soil & Water Conservation District Board	All Members	P
Traffic Safety Board	All Members	A

Financial Disclosures Required for 2024
Calendar Year 2023 Informaton

Department or Agency	Title	A or P
Transportation Advisory Council	All Members	A
Veterans' Memorial Park Advisory Board	All Members	A
Youth Board	All Members	A
Youth Bureau	Youth Director	P
Youth Bureau	Deputy Youth Director	P

Note: A=Advisory P=Policy

KEVIN BYRNE
County Executive

MICHAEL J. PIAZZA, Jr.
Commissioner

SARA SERVADIO
Deputy Commissioner



DEPARTMENTS OF MENTAL HEALTH
SOCIAL SERVICES AND YOUTH BUREAU

Revised

11/14

Document

cc: All

#6

DATE: November 8, 2023

TO: Paul E. Jonke, Chair
Personnel Committee

FROM: Sara Servadio, Deputy Commissioner of Mental Health, Social Services & Youth Bureau *SS*

CC: Kevin Byrne, County Executive

RE: FY23 Implementing Crisis Intervention Teams – Community Policing Development Solicitation Grant, developing position for mental health worker.

With the Grant award, the Departments of Mental Health, Social Services and Youth Bureau will need to develop a new position and hire a mental health outreach worker. Please allow the Department to present the job specification to the Personnel Committee on November 14, 2023. This Grant has no matching funds and would allow for a co-response from the Sheriff's Office and the Department of Mental Health, Social Services and Youth Bureau.

Thank you for your time and consideration.

Attachments: FY23 Awards Package, Mental Health Outreach Worker – Law Enforcement job description.

2023 NOV - 8 AM 10:36
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

MENTAL HEALTH OUTREACH WORKER – LAW ENFORCEMENT

DISTINGUISHING FEATURES OF THE CLASS: This is an important mental health position responsible for providing mental health expertise to address complex social issues encountered during police interventions. This role involves working closely with officers, to de-escalate situations, provide crisis intervention, and connect individuals to appropriate social services. The incumbent plays a crucial role in enhancing community safety and well-being. Work is performed under the Supervision of the Commissioner of Social Services and Mental Health and the Director of Mental Health. Performs related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Accompany a Sheriff's Office Deputy on patrol for rapid response to calls for service;
Work in collaboration with the Sheriff's Office to ensure that individuals with behavioral health needs are appropriately diverted from the criminal justice system and referred for appropriate behavioral health services;
Provide rapid crisis intervention and assessment to individuals who have come to the attention of the police or mental health department;
Compile and submit monthly reports/statistics as identified;
Attend all scheduled meetings with MH/DSS, Police and other agencies as required;
Attend identified trainings;
Provide any appropriate community outreach as needed;
Attend scheduled meetings of all stakeholders and community providers;
Serve as primary liaison to law enforcement;
Provide behavioral health assessments to individuals and families in crisis who encounter the police;
Provide initial crisis intervention services to individuals in need, along with crisis case management as follow up from initial intervention, when appropriate;
Provide leadership in development of co-response model and represent the program in a prepared and professional manner at community events, tasks forces, and public speaking engagements;
Provide information and referral services to individuals and families;
Maintain necessary documentation, data entry, and records in accordance with program requirements;
Performs a variety of related activities as required.

Typical Work Activities are intended only as illustrations of possible types of work that might be appropriately assigned to an incumbent of this title. Work activities that do not appear above are not excluded as appropriate work assignments, as long as they can be reasonably understood to be within the logical limits of the job.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of NYS laws relevant to individuals experiencing mental health crises;
Thorough knowledge of trauma informed responses to mental health crisis; Thorough knowledge of assessment and intervention skills Thorough knowledge of professional principles and code of ethics; Good knowledge of mental health issues, substance abuse, domestic violence, and community resources; Good knowledge of trauma informed responses

to mental health crisis; ability to communicate effectively verbally and in writing; ability to perform risk assessment and evaluation; ability to remain calm in high-stress situations; ability to maintain confidentiality; ability to work effectively with diverse populations; excellent assessment and intervention skills, strong interpersonal skills; Empathy; patience; good judgment; tact

MINIMUM QUALIFICATIONS:

Two (2) years' experience working with law enforcement and:

- A. Master's Degree or higher in psychology, human development, social work, mental health, or closely related field and three (3) years' experience in crisis intervention, forensic mental health, jail diversion, case management, or homeless outreach; OR
- B. Bachelor's Degree in psychology, human development, social work, mental health, or closely related field and five (5) years' experience in crisis intervention, forensic mental health, jail diversion, case management, or homeless outreach, or
- C. Associate degree in psychology, human development, social work, mental health, or closely related field and seven (7) years' experience in crisis intervention, forensic mental health, jail diversion, case management, or homeless outreach

EDUCATION NOTE: Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education.

SPECIAL REQUIREMENTS:

- 1. Possession of a valid unrestricted appropriate level driver's license and acceptable driving record is required at time of appointment and must be maintained throughout employment.
- 2. Ability to work flexible hours, including evenings and weekends, to respond to emergency situations.

to mental health crisis; ability to communicate effectively verbally and in writing; ability to perform risk assessment and evaluation; ability to remain calm in high-stress situations; ability to maintain confidentiality; ability to work effectively with diverse populations; excellent assessment and intervention skills, strong interpersonal skills; Empathy; patience; good judgment; tact

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Department of Justice (DOJ)

Office of Community Oriented Policing Services (COPS Office)

Washington, D.C. 20531

Name and Address of Recipient: PUTNAM, COUNTY OF
3 COUNTY CTR

City, State and Zip: CARMEL, NY 10512

Recipient UEI: RNKJAGJKCVL8

Project Title: FY23 County Of Putnam ,
NY CIT Grant **Award Number:** 15JCOPS-23-GG-01767-PPSE

Solicitation Title: FY23 Implementing Crisis Intervention Teams- Community Policing Development Solicitation

Federal Award Amount: \$400,000.00 **Federal Award Date:** 11/2/23

Awarding Agency: Office of Community Oriented Policing Services

Funding Instrument Type: Grant

Opportunity Category: D

Assistance Listing:
16.710 - Public Safety Partnership and Community Policing Grants

Project Period Start Date: 10/1/23 **Project Period End Date:** 9/30/25

Budget Period Start Date: 10/1/23 **Budget Period End Date:** 9/30/25

Project Description:

This County of Putnam, NY proposes a collaborative partnership with the Putnam County Department of Mental Health, Social Services, and Youth Bureau to intervene in the lives of people experiencing crisis. Fund would be used to officially establish and implement a Police and Mental Health Co-Response Team. They conducted internal needs analysis and have identified the need for a full-time mental health clinician to work proactively with police agencies throughout Putnam County. Federal funding is necessary to create this personnel position and pilot the implementation of the Co-Response Team before local legislative action can provide continued funding.

Award Letter

November 2, 2023

Dear Kevin McConville,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Community Oriented Policing Services (the COPS Office) has approved the application submitted by PUTNAM, COUNTY OF for an award under the funding opportunity entitled 2023 FY23 Implementing Crisis Intervention Teams- Community Policing Development Solicitation. The approved award amount is \$400,000.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by the COPS Office, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

HUGH CLEMENTS

COPS Director

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria.

These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

PUTNAM, COUNTY OF

UEI

RNKJAGJKCVL8

ORI Number

Street 1

3 COUNTY CTR

Street 2

City

CARMEL

State/U.S. Territory

New York

Zip/Postal Code

10512

Country

United States

County/Parish

Province

Award Details

Federal Award Date

11/2/23

Award Type

Initial

Award Number

15JCOPS-23-GG-01767-PPSE

Supplement Number

00

Federal Award Amount

\$400,000.00

Funding Instrument Type

Grant

**Assistance Listing
Number**

16.710

Assistance Listings Program Title

Public Safety Partnership and Community Policing Grants

Statutory Authority

The Public Safety Partnership and Community Policing Act of 1994, 34 U.S.C. § 10381 et seq

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2023 FY23 Implementing Crisis Intervention Teams-
Community Policing Development Solicitation

Awarding Agency

COPS

Application Number

GRANT13871709

Grant Manager Name

NICOLE PRUSS

Phone Number

202-616-0096

E-mail Address

Nicole.Pruss2@usdoj.gov

Project Title

FY23 County Of Putnam , NY CIT Grant

Performance Period Start

Date

10/01/2023

Performance Period End Date

09/30/2025

Budget Period Start Date

10/01/2023

Budget Period End Date

09/30/2025

Project Description

This County of Putnam, NY proposes a collaborative partnership with the Putnam County Department of Mental Health, Social Services, and Youth Bureau to intervene in the lives of people experiencing crisis. Funds would be used to officially establish and implement a Police and Mental Health Co-Response Team. They conducted internal needs analysis and have identified the need for a full-time mental health clinician to work proactively with police agencies throughout Putnam County. Federal funding is necessary to create this personnel position and pilot the implementation of the Co-Response Team before local legislative action can provide continued funding.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. All costs listed in the approved budget below were programmatically approved based on the final proposed detailed budget and budget narratives submitted by your agency to the COPS Office. Any adjustments or edits to the proposed budget are explained below.

Budget Clearance Date: 8/21/23 11:07 AM

Comments

No items

Budget Category	Proposed Change Budget		Approved Budget	Percentages
Sworn Officer Positions:	\$0	\$0	\$0	
Civilian or Non-Sworn Personnel:	\$259,733	\$0	\$259,733	
Travel:	\$46,000	\$0	\$46,000	
Equipment:	\$58,267	\$0	\$58,267	
Supplies:	\$6,000	\$0	\$6,000	
SubAwards:	\$0	\$0	\$0	
Procurement Contracts:	\$0	\$0	\$0	
Other Costs:	\$30,000	\$0	\$30,000	
Total Direct Costs:	\$400,000	\$0	\$400,000	
Indirect Costs:	\$0	\$0	\$0	
Total Project Costs:	\$400,000	\$0	\$400,000	
Federal Funds:	\$400,000	\$0	\$400,000	100.00%
Match Amount:	\$0	\$0	\$0	0.00%
Program Income:	\$0	\$0	\$0	0.00%

Budget Category

Sworn Officer

Civilian Personnel

Travel

Equipment

Supplies

SubAwards

Procurement Contracts

Other Costs

Indirect Costs

I have read and understand the information presented in this section of the Federal Award Instrument.

Other Award Documents

I have read and understand the information presented in this section of the Federal Award Instrument.

No other award documents have been added.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Reporting Subawards and Executive Compensation

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

- I. Reporting Subawards and Executive Compensation
 - a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

- i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.
- b. Reporting total compensation of recipient executives for non-Federal entities.
 1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.
 - c. Reporting of Total Compensation of Subrecipient Executives.
 1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1.

of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

2

Restrictions on Internal Confidentiality Agreements: No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2023, Public Law 117-328, Division E, Title VII, Section 742.

Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and COPS Office authority to terminate award): The recipient and subrecipient agree to comply with the requirements in 2 C.F.R. § 175.15(b) – Award Term:

I. Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by DOJ at 2 C.F.R. Part 2867.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

- 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
- 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by DOJ at 2 C.F.R. Part 2867.

c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended 22 U.S.C. 7104(g), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1. “Employee” means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. “Private entity”:

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Duplicative Funding: The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

5

Termination: Recipient understands and agrees that the COPS Office may terminate funding, in whole or in part, for the following reasons:

- (1) When the recipient fails to comply with the terms and conditions of a Federal award.
 - (2) When an award no longer effectuates the program goals or agency priorities, to the extent such termination is authorized by law.
 - (3) When the recipient agrees to the termination and termination conditions.
 - (4) When the recipient provides the COPS Office written notification requesting termination including the reasons, effective date, and the portion of the award to be terminated. The COPS Office may terminate the entire award if the remaining portion will not accomplish the purposes of the award.
 - (5) Pursuant to any other termination provisions included in the award.
2. C.F.R. § 200.340.

6

Award Owner's Manual: The recipient agrees to comply with the terms and conditions in the applicable 2023 COPS Office Program Award Owner's Manual; DOJ Grants Financial Guide; COPS Office statute (34 U.S.C. § 10381, et seq.) as applicable; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) as applicable; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

Failure to comply with one or more award requirements may result in remedial action including, but not limited to, withholding award funds, disallowing costs, suspending, or terminating the award, or other legal action as appropriate.

Should any provision of an award condition be deemed invalid or unenforceable by its terms, that provision will be applied to give it the maximum effect permitted by law. Should the provision be deemed invalid or unenforceable in its entirety, such provision will be severed from this award.

7

Authorized Representative Responsibility: The recipient understands that, in accepting this award, the Authorized Representatives declare and certify, among other things, that they possess the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accept (or adopt) all material requirements throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

8

Award Monitoring Activities: Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.334 and 200.337.

9

Contract Provision: All contracts made by the award recipients under the federal award must contain the provisions

required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

10

Assurances and Certifications: The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

11

Conflict of Interest: Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in 2 C.F.R. § 200.112.

12

Debarment and Suspension: The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

13

Employment Eligibility: The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

14

Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information: Recipients and subrecipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. Recipients and subrecipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

15

Equal Employment Opportunity Plan (EEOP): All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan. 28 C.F.R. Part 42 subpart E.

16

False Statements: False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law. 31 U.S.C. § 3729-3733.

17

Federal Civil Rights: The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency

Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and

d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

18

Mandatory Disclosure: Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.339. 2 C.F.R. § 200.113.

19

Reports/Performance Goals: To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic performance reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.328 - 200.329. The performance report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

20

Recipient Integrity and Performance Matters: For awards over \$500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and
- c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

- (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
- (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

21

System for Award Management (SAM) and Universal Identifier Requirements: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the

final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.
3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:
 - a. A foreign organization;
 - b. A foreign public entity;
 - c. A domestic for-profit organization; and
 - d. A Federal agency.
4. Subaward has the meaning given in 2 CFR 200.1.
5. Subrecipient has the meaning given in 2 CFR 200.1.

22

Additional High-Risk Recipient Requirements: The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.208.

23

Allowable Costs: The funding under this award is for the payment of approved costs for program-specific purposes. The allowable costs approved for your agency's award are limited to those listed in your agency's award package. In accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee. Your agency may not use award funds for any costs not identified as allowable in the award package.

24

Computer Network Requirement: The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Consolidated Appropriations Act, 2023, Public Law 117-328, Division B, Title V, Section 527.

25

Domestic preferences for procurements: Recipient agrees that it, and its subrecipients, to the greatest extent practicable, will provide a preference for the purchase, acquisition, or use of goods, products, and materials produced

in, and services offered in, the United States. 2. C.F.R. § 200.322 and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers, January 25, 2021.

26

Extensions: Recipients may request an extension of the award period to receive additional time to implement their award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. §§ 200.308(e)(2) and 200.309.

27

Copyright: If applicable, the recipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award in accordance with 2 C.F.R. § 200.315(b). The COPS Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use the work, in whole or in part (including create derivative works), for Federal Government purposes, and to authorize others to do so. The COPS Office also reserves the right, at its discretion, not to publish deliverables and other materials developed under this award as a U.S. Department of Justice resource.

Products and deliverables developed with award funds and published as a U.S. Department of Justice resource will contain the following copyright notice:

"This resource was developed under a federal award and may be subject to copyright. The U.S. Department of Justice reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use the work for Federal Government purposes and to authorize others to do so. This resource may be freely distributed and used for noncommercial and educational purposes only."

28

Evaluations: The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators. 34 U.S.C. § 10385(b).

29

Human Subjects Research: The recipient agrees to comply with the provisions of the U.S. Department of Justice's common rule regarding Protection of Human Subjects, 28 C.F.R. Part 46, prior to the expenditure of Federal funds to perform such activities, if applicable. The recipient also agrees to comply with 28 C.F.R. Part 22 regarding the safeguarding of individually identifiable information collected from research participants.

30

Requirement to report actual or imminent breach of personally identifiable information (PII).

The recipient (and any subrecipient at any tier) must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII) (as defined in 2 C.F.R. 200.1) within the scope of a COPS Office grant-funded program or activity, or 2) uses or operates a Federal information system (as defined in OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to the recipient's COPS Office Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

31

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment: Recipient agrees that it, and its subrecipients, will not use award funds to extend, renew, or enter into any contract to procure or obtain any covered telecommunication and video surveillance services or equipment as described in 2 CFR §200.216. Covered services and equipment include telecommunications or video surveillance services or equipment produced or provided by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity

owned or controlled by, or otherwise connected to, the government of China. The use of award funds on covered telecommunications or video surveillance services or equipment are unallowable.
2. C.F.R. § § 200.216 & 471. See also Section 889 of the John S. McCain National Defense Authorization Act of Fiscal Year 2019, Public Law 115-232.

32

Modifications: Award modifications are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308(f). For federal awards in excess of \$250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office.

33

The Paperwork Reduction Act Clearance and Privacy Act Review: Recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

34

Public Release Information: The recipient agrees to submit one copy of all reports and proposed publications resulting from this award ninety (90) days prior to public release. Any publications (written, curricula, visual, sound, or websites) or computer programs, whether or not published at government expense, shall contain the following statement:

"This project was supported, in whole or in part, by federal award number [YYYY-XX-XXXX] awarded to [Entity] by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), contributor(s), or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity."

35

Sole Source Justification: Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$250,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.325(b)(2).

36

Supplementing, not Supplanting: State, local, and tribal government recipients must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

37

Travel Costs: Travel costs for transportation, lodging and subsistence, and related items are allowable with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.475.

38

Training Guiding Principles: Any training or training materials developed or delivered with award funding provided by the Office of Community Oriented Policing Services is to adhere to the following guiding principles –

1. Trainings must comply with applicable law.

In developing and conducting training under the award, recipients (and any subrecipients) shall not violate the Constitution or any federal law, including any law prohibiting discrimination.

2. The content of trainings and training materials must be accurate, appropriately tailored, and focused.

The content of training programs must be accurate, useful to those being trained, and well matched to the program's stated objectives. Training materials used or distributed at trainings must be accurate, relevant, and consistent with these guiding principles.

3. Trainers must be well-qualified in the subject area and skilled in presenting it.

Trainers must possess the subject-matter knowledge and the subject-specific training experience necessary to meet the objectives of the training. In selecting or retaining a trainer, recipients (or subrecipients) should consider such factors as the trainer's resume and written materials, interviews with the trainer, observation of other trainings conducted by the trainer, feedback from other entities with which the trainer has worked, training participant feedback and evaluations, and the general reputation of the trainer.

4. Trainers must demonstrate the highest standards of professionalism.

Trainers must comport themselves with professionalism. While trainings will necessarily entail varying teaching styles, techniques, and degrees of formality, as appropriate to the particular training goal, professionalism demands that trainers instruct in the manner that best communicates the subject matter while conveying respect for all.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

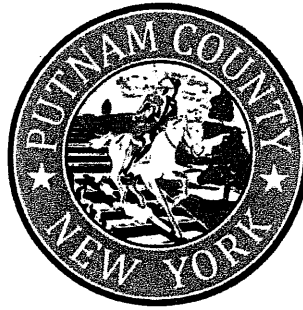
Title of Approving Official
COPS Director

Name of Approving Official
HUGH CLEMENTS

Signed Date And Time
9/11/23 2:01 PM

Authorized Representative

MICHAEL J. LEWIS
Commissioner Of Finance



Call
Per 11-14-23
JHL

SHEILA BARRETT
Deputy Commissioner Of Finance

Recd

#7

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk
FROM: Michael J. Lewis, Commissioner of Finance
RE: Budgetary Amendment – 23A071
DATE: November 9, 2023

2023 NOV -9 AM 11:23
LEGISLATURE
PUTNAM COUNTY
CARROLL NY

At the request of the Sheriff and Deputy Commissioner of Mental Health, Social Services & Youth Bureau, the following budgetary amendment is necessary.

General Fund:

Increase Appropriations:

Sheriff - Communications

13311000 51093 10211	Overtime	\$	15,000
13311000 52130 10211	Computer Equipment (under \$5k)		6,000
13311000 52680 10211	Other Equipment (Over \$5k)		10,863
13311000 52680 10211	Other Equipment (Over \$5k)		11,404
13311000 54210 10211	Vehicle Leasing/Rental		18,000
13311000 54640 10211	Education & Training		11,500

Mental Health - Crisis Intervention

10431000 51000 10211 (10102)	Personnel Services mental Health Clinician	\$	85,000
10431000 54640 10211	Education & Training		11,500
10431000 58001 10211	State Retirement		8,160
10431000 58002 10211	Social Security		6,503
10431000 58004 10211	Workers Compensation		1,615
10431000 58008 10211	Health Insurance		28,583

Increase Estimated Revenues:

13311000 444900 10211	Federal Aid - CFDA 16.710	\$	72,767
10431000 444900 10211	Federal Aid - CFDA 16.710	\$	141,361

Fiscal Impact - 2023 - \$ 0
Fiscal Impact - 2024 - \$ 0

The County of Putnam has been awarded \$400,000 to establish and implement a Police and Mental Health Co-Response Team. These funds would be used to fund a full-time mental health clinician to work proactively with police agencies throughout the County. This grant, which is 100% federally funded (CFDA 16.710) and administered by the USDOJ – Office of Community Oriented Policing Services (COPS), runs from October 1, 2023 through September 30, 2025. Additionally, the Full-Time position will expire contingent upon a renewal of the grant past September 30, 2025.

Please forward it to the appropriate committee.

Approved

Kevin M. Byrne -County Executive

**PUTNAM COUNTY SHERIFF'S OFFICE &
 PUTNAM COUNTY DEPARTMENT OF MENTAL HEALTH, SOCIAL SERVICES, AND YOUTH BUREAU
 POLICE & MENTAL HEALTH CO-RESPONSE TEAM**

TWO-YEAR BUDGET

A. Personnel:

<i>Name/Position</i>	<i>Computation</i>	<i>Cost</i>
Mental Health Clinician	\$85,000 x 100% FTE x 2 years	\$170,000.00

The Mental Health Clinician's duties shall include co-responding to routine and emergency calls for service involving individuals in emotional, behavioral, and psychiatric crisis concurrently with an assigned CIT trained Deputy Sheriff. The Mental Health Clinician will conduct clinical assessments, develop, and implement appropriate dispositions, and provide appropriate follow-up to ensure continuity of care. The clinician shall coordinate with community resources to facilitate and strengthen community-based intervention services in addition to performing outreach functions to vulnerable and underserved populations. The Mental Health Clinician will participate in risk assessments and provide follow-up services to individuals subject to Extreme Risk Protection Orders. The Mental Health Clinician will report directly to the Deputy Commissioner for Mental Health, Social Services, and Youth Bureau.

TOTAL PERSONNEL COST: \$ 170,000.00

B. Fringe Benefits:

<i>Name/Position</i>	<i>Computation</i>	<i>Cost</i>
Mental Health Clinician		
Employers FICA	\$85,000.00 x 7.65% x 2 years	\$13,005.00
Health Insurance	\$38,110.44 x 75% x 2 years	\$57,165.66
Workmen's Compensation	\$1615.00 x 2 years	\$3,230.00
Unemployment Compensation	Exempt -Self Insured	\$0.00
Life Insurance	\$85,000.00 x .007% x 2 years	\$11.90
NYS Retirement Tier 6	\$85,000.00 x 9.6% x 2 years	\$16,320.00

TOTAL FRINGE BENEFITS: \$ 89,732.56

TOTAL PERSONNEL AND FRINGE BENEFITS COSTS: \$ 259,732.56

Putnam County requests fringe benefits for the Mental Health Clinician position as itemized above subject to all applicable employment benefits entitled under Putnam Management Union contract.

C. Travel:

<i>Location</i>	<i>Item</i>	<i>Computation</i>	<i>Cost</i>
Purpose of Travel: National Co-Responder Conference			
TBD	Airfare	\$2500 (avg.) x 2 people x 2 trips	\$10,000.00
TBD	Lodging	\$500 (avg.) x 5 days x 2 people x 2 trips	\$10,000.00
TBD	Other Expense	\$750.00 x 2 people x 2 trips	\$3,000.00

Purpose of Travel: **CIT International Conference**

TBD	Airfare	\$2500 (avg.) x 2 people x 2 trips	\$10,000.00
TBD	Lodging	\$500 (avg.) x 5 days x 2 people x 2 trips	\$10,000.00
TBD	Other Expense	\$750.00 x 2 people x 2 trips	\$3,000.00

TOTAL TRAVEL COSTS: \$ 46,000.00

The \$46,000 in travel costs has been allocated for the Mental Health Clinician and assigned CIT Deputy Sheriff to attend professional development opportunities at two nationally recognized training conferences. The locations of future conferences are unknown at the time of this writing and funding requests is based on estimates for airfare, lodging expenses, registration fees from past conference events. Education and Training request for travel will follow Putnam County's formal written policy.

D. Equipment:

<i>Item</i>	<i>Computation</i>	<i>Cost</i>
APX 8500 Mobile Radio	\$10,863.00/equipment x 1	\$10,863.00
APX 8000 Portable Radio	\$11,404/equipment x 1	\$11,404.00
Co-Response Vehicle	\$18,000 per year x 2 years	\$36,000.00

TOTAL EQUIPMENT COSTS: \$ 58,267.00

The APX 8500 mobile radio and APX 8000 portable radio will be assigned to the Mental Health Clinician for use in the designated Co-Response Team vehicle. These radios are necessary to communicate with emergency services dispatchers, first responders, and interoperable radio systems throughout Putnam County on the County's P25 700/800MHz Trunking Radio System. The Co-Response Team vehicle will be an equity lease from Enterprise Fleet Management that will be used by the team to respond to emergency and routine calls for service in addition to performing community outreach functions. The vehicle will not be configured as a typical marked police unit but will include necessary "covert" emergency warning equipment to facilitate safety while on-scenes.

E. Supplies:

<i>Item</i>	<i>Computation</i>	<i>Cost</i>
Mobile Computer & Peripherals	\$3,000.00 x 2 each	\$6,000.00
TOTAL SUPPLIES COSTS:		\$ 6,000.00

Mobile computing equipment and associated peripheral devices will be purchased with allocated funding in furtherance of the Co-Response Team's specific needs. Laptops and/or tablets are the preferred devices that have been identified based upon their ability to interface with the Sheriff's Office's Computer Aided Dispatch system for secure report writing as well as a reliable means to conduct video conferencing with individuals and community resources.

F. Construction: Not applicable

TOTAL CONSTRUCTION COSTS: \$ 0.00

Include justification for construction costs.

G. Consultants/Contracts: Not Applicable

SUBTOTAL: \$ 0.00

Consultant Expenses: Not Applicable

SUBTOTAL: \$ 0.00

Contracts: Not Applicable

SUBTOTAL: \$ 0.00

TOTAL CONTRACTS AND CONSULTANT COSTS: \$ 0.00

H. Other Costs:

<i>Description</i>	<i>Computation</i>	<i>Cost</i>
Overtime for Sworn Deputy Sheriff	\$15,000/ per year x 2 years	\$ 30,000.00
TOTAL OTHER COSTS:		\$ 30,000.00

It is projected that the Co-Response Team's wide-ranging assignments will incur overtime of the sworn Deputy Sheriff as defined by the Deputy Sheriff's Police Benevolent Association labor contract. All after-hours emergency callouts, shift holdovers, and scheduled events on regular days off will incur overtime

expense to the Putnam County Sheriff's Office. This allocation of funding will assist in alleviating this financial burden upon the agency.

I. Indirect Costs: Not Applicable

TOTAL INDIRECT COSTS: \$ 0.00

BUDGET SUMMARY

<i>Budget Category</i>	<i>Amount</i>
A. Personnel	\$170,000.00
B. Fringe Benefits	\$89,732.56
C. Travel	\$46,000.00
D. Equipment	\$58,267.00
E. Supplies	\$6,000.00
F. Construction	\$0.00
G. Consultants and Contracts	\$0.00
H. Other Costs	\$30,000.00
I. Indirect Costs	\$0.00
TOTAL PROJECT COSTS	\$399,999.56
Non-Federal (Match) Amount	\$0.00
Federal Share Requested	\$400,000.00

PAUL ELDRIDGE
Personnel Officer



ADRIENE IASONI
Deputy Personnel
Officer

cc: all
Pers. - 11-14-23
Reso

Approved
#8

MEMORANDUM

November 9, 2023

TO: Diane Schonfeld, Legislative Clerk
FROM: Paul Eldridge, Personnel Officer
SUBJECT: Employee Policy Update

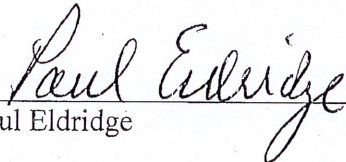
2023 NOV - 9 PM 2:42
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

The Personnel Department is seeking approval for an update to the Employee Drug and Alcohol Policy.

The Marijuana Regulation and Taxation Act was passed in April 2021 legalizing the use of marijuana in the state of New York. As part of this change, New York State Labor Law 201-D was altered allowing employees to legally use cannabis outside of their working hours, akin to smoking tobacco or drinking alcohol. As such, employers may not make adverse hiring decisions regarding the use of marijuana. The attached policy addresses the impact of this change on our employee drug testing policy.

This policy has been thoroughly vetted by the Putnam County Law department. Patricia Rau, Senior Personnel Specialist, the primary author of these policies, will be at the meeting should there be any questions.

Thank you for your time and consideration.


Paul Eldridge

cc: Kevin Byrne, County Executive
James Burpoe, Deputy County Executive

attachments:

Proposed Drug and Alcohol Policy, including an annotated copy identifying changes
New York State Department of Labor document regarding these changes

PUTNAM COUNTY PERSONNEL DEPARTMENT

110 Old Route Six, Building Three
Carmel, NY 10512
Tel: 845-808-1650 Fax: 845-808-1921
www.putnamcountyny.com/personneldept

WHEREAS, the Marihuana Regulation & Taxation Act (MRTA) was signed into law on March 31, 2021, legalizing adult-use cannabis in New York State;

WHEREAS, the MRTA amended Section 201-D of the New York Labor Law including cannabis as a legal consumable product; and

WHEREAS, employers are prohibited from discriminating against employees based on the employee's use of cannabis outside of the workplace, outside of work hours, and without use of the employer's equipment or property; and

WHEREAS, employers may prohibit use if required by law, if an employer will be in violation of Federal law, if a Federal contract will be lost, or if an employee is exhibiting articulable symptoms of impairment and it is affecting employee performance or safety; and

WHEREAS, outside of those limited exceptions, employers may not prohibit cannabis outside of the workplace, just as they cannot prohibit the use of alcohol or tobacco; and

WHEREAS, the Putnam County Drug and Alcohol Policy as currently written does not consider this legislative change; now therefore be it

RESOLVED, that a new policy must be adopted; and

RESOLVED, that the new policy does not exceed the allowances under the Labor Law; and

RESOLVED, that this policy follows all Federal and State laws regarding the use of cannabis by, and testing of cannabis in our employees; and

RESOLVED, that this policy strictly prohibits the use or possession of cannabis by all employees during the workday; and

RESOLVED, that this policy strictly prohibits all employees from being under the influence of cannabis products throughout the workday; and

RESOLVED, that the Putnam County Legislature adopt the new Putnam County Drug and Alcohol Policy in the form attached hereto.



PUTNAM COUNTY DRUG AND ALCOHOL POLICY

In compliance with the Drug-Free Workplace Act of 1988, Putnam County has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Putnam County employees and to the security of the County's equipment and facilities.

The County will not tolerate any drug or alcohol use which could affect an employee's job performance. The citizens of Putnam County have a right to expect that County employees will carry out their duties in a safe and reliable manner, free from the effects of alcohol or drugs.

For these reasons, Putnam County is committed to the elimination of drug and alcohol use and abuse in the workplace. It is the intent of the County, however, to encourage and assist such employees in treatment and rehabilitation whenever appropriate.

This policy and stated procedures replace, except where contrary to contractual obligations, any and all earlier procedures based on or expanding upon the Drug-Free Workplace Policy of its predecessor policies.

The policy and procedures apply to all active County employees in all government departments and to the staff of the Board of Legislators. The County reserves the right to modify the policy and procedures in whole or in part in accordance with the law and contractual procedures. All employees with bargaining agreements should refer to the language in their bargaining agreement in the event of language discrepancies.

The policy and procedures shall be the responsibility of the Personnel Department. Any questions should be directed to 845-808-1650.

The Personnel Officer shall be responsible for policy interpretation, administration, and enforcement.

I. DEFINITIONS

- A. Adulterated specimen – 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.
- B. Commercial Driver's License (CDL) – A driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Specific County positions may require an employee to hold a CDL for the purposes of employment. All CDL drivers must conform with federal regulations regarding the use of alcohol, drugs, and controlled substances.

- C. Controlled Substance – Any substance which has been deemed illegal under the New York State Penal Law ¹ (for example cocaine, valium, anabolic steroids). This term does NOT include the use of prescribed or legal substances which have been legally obtained and are being used for the purposes for which they were prescribed.
- D. County property – Includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Putnam County or any site on which the county is conducting business.
- E. Dilute urine sample – A urine specimen with creatinine and specific gravity values that are lower than expected for human urine, typically reported when values are lower than 20mg/dL.
- F. Dilute positive – A urine sample with a creatinine of less than 20mg/dL with detectable levels of the controlled substances which are subject to testing. This shall be treated as a positive drug screen.
- G. Dilute negative – A urine sample with a creatinine of less than 20mg/dL with no detectable levels of the controlled substances which are subject to testing. A dilute negative test will not automatically be considered a negative test.
- H. Drug Paraphernalia – Any items which are used for the administering, transferring, manufacturing, testing, secreting, or storing of a controlled substance and/or an illegally used drug
- I. Illegally Used Drugs – Any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all “designer drugs” not listed in the Controlled Substances Act, and any other over-the-counter or non-drug substance being used in a manner that is not intended.
- J. Legally Obtained Drugs – Any drug which has been obtained in a manner which is legal under the laws of New York State, including prescription, over-the-counter and recreational drugs².
- K. Marijuana – A legally obtained recreational drug under New York State Law. ALL employees that fall under federal regulation, such as CDL drivers, Deputy Sheriffs, Corrections Officers, and Probation Officers MUST follow federal law and therefore are not permitted to use or possess marijuana as specified in federal statues, laws, and regulations.

¹ See Title M, Article 220 of the New York State Penal Law or in Scheduled I-IV as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6))

² In April 2021 New York State legalized marijuana. At the time of the creation of this policy, marijuana remains illegal under federal law. See US Code Title 21 Controlled Substances Act, Section 812 Schedules of Controlled Substances

- L. Medical Review Officer (MRO) – A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
- M. Refuse to cooperate – To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- N. Under the influence of alcohol – An alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- O. Under the influence of drugs – A confirmed positive test result for prohibited drug use per this policy. Also included, the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

II. PROHIBITED CONDUCT

The following employee conduct is prohibited:

- A. The smoking or vaping of any tobacco, marijuana, or any other legal substance on any County property, within a County vehicle, or within thirty (30) feet of any entrance to any County property
- B. Employee arrival on County premise under the effects of, or the use on county owned property or while conducting county business or during business hours, of any legally obtained drug or alcohol, including marijuana, where such use adversely affects the employee's job performance³ including those legally prescribed by a physician and used in accordance with that prescription.
- C. The use, distribution, dispensation, or sale of alcohol on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours. An exception shall exist if it has been authorized at a County function by the County Executive, Deputy County Executive, or any Commissioner/Department Head of a County Department.

³ Where physician-directed use of drugs adversely affects performance, it is in the best general interest of the employee, co-workers, and the County that sick leave be used.

- D. The use, distribution, dispensation, sale or transfer of marijuana on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours.
- E. The use, possession, manufacturing, distribution, dispensation, or sale of a controlled substance, illegally-used drug, or drug paraphernalia on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours.
- F. The use of marijuana by employees subject to federal law/regulation including Commercial Drivers License Holders, Deputy Sheriffs, Correction Officers, and Probation Officers
- G. Employee arrival on County premises under the effects of controlled substance or illegally used drug, to the point where such use adversely affects the employee's job performance.
- H. Storage in a desk, locker, automobile or any other repository on County Property of any illegally used drug, controlled substance, or marijuana.
- I. Storage of alcohol in a desk, locker, or any other repository within your workspace or building on County Property.
- J. The possession of any illegally used drug, marijuana, or alcohol while conducting County business, while on County property, in the scope of employment, and/or any other circumstances related to their County employment.
- K. Switching or adulterating urine samples.
- L. Refusing consent to alcohol or drug testing pursuant to the terms of this Policy.
- M. Failing to notify Putnam County, within five days of a conviction under a criminal drug statute for a violation occurring on or off County premises while conducting County business.

III. TESTING AND PROCEDURES

Drug testing is conducted, as allowable under the New York State law, for the following types of drugs: Amphetamines, Cocaine, Opiates & Phencyclidine unless otherwise noted. Individual test reports will be maintained by the Personnel Department for a minimum of five years.

A. Pre-employment

Applicants being considered for hire must submit to a drug test before beginning work or receiving an offer of employment. Pre-employment test results must be **negative** for an applicant to move forward.

In the event of a dilute negative with creatinine levels between 5 and 20 mg/dl, the applicant shall be offered a secondary drug screening. Prior to the second screening, the applicant shall have the opportunity to provide medical documentation explaining the dilute test results.

In the event of a dilute specimen with creatinine levels below 5mg/dl, Partners in Safety shall advise as to next actions.

All applicants for positions subject to Federal Regulations including CDL drivers, Deputy Sheriffs, Correction Officers, and Probation Officers shall be tested for marijuana in addition to the above listed controlled substances. A positive marijuana test for this group of applicants shall have the same bearing as a positive test for any of the other substances.

Any applicant with a drug test result of positive, dilute positive or who has refused testing shall be disqualified from the hiring process for a period of one year. In the event the position which has been applied for is a safety-sensitive position there is a blanket disqualification.

B. Reasonable suspicion

All employees are subject to testing based on (but not limited to) articulable symptoms of impairment by two supervisors or County officials⁴. Documentation of the employees conduct via the "Reasonable Cause/Reasonable suspicion testing form" shall be prepared and signed by the witnesses within 24 hours.

Examples of acceptable grounds for reasonable suspicion testing are as follows:

Observations for Employee's Physical Condition

1. Slurred speech
2. Confusion/disorientation
3. Odor of alcohol on breath or person
4. Odor of marijuana on breath or person
5. Unsteady gait or lack of balance
6. Glassy eyes
7. Rapid/continuous eye movement or inability to focus
8. Drowsiness
9. Inattentiveness
10. Apparent intoxicated manner (without the odor of alcohol or marijuana)
11. Physical injury to self or others
12. Tremors or bodily shaking
13. Poor coordination
14. Runny nose or sores around nostrils
15. Very large or small pupils
16. Slow or inappropriate reactions

⁴ Preferably that have received training in the identification of behavior indicative of use of a controlled substance

Observations of Employee's Behavior

1. Inability to respond to questions or to respond correctly
2. Complaints of racing or irregular heartbeat
3. Marked irritability
4. Aggressiveness (attempts at physical contact)
5. Inappropriate laughter, crying, etc.
6. Sleeping on the job
7. Fainting or repeated loss of consciousness
8. Improper job performance and or violation of work rules
9. Other behavioral manifestations

Observations of General Job Performance

1. Excessive unauthorized absences in last 12 months
2. Excessive authorized absences in last 12 months
3. Excessive use of sick leave in last 12 months
4. Frequent Monday/Friday absence or other pattern
5. Frequent unexplained disappearance
6. Excessive "extension" of breaks or lunch
7. Frequent leaving work early
8. Ignores established procedures

An employee, who is believed to be impaired, will be sent home, to a testing facility, or to a medical facility by taxi or other safe transportation alternative. If necessary, in the employer's discretion, the employee will be accompanied by a supervisor or other employee. Under no circumstance will an impaired employee be allowed to drive.

Drug testing based articulable symptoms of impairment shall include the testing for marijuana for all County employees.

C. Random Testing

Employees may be subject to random testing as dictated by their collective bargaining agreement.

Employees may be subject to random testing related to the use of cannabis:

1. when the County is required to take action pursuant to a state or federal statute, regulation, ordinance, or other state or federal government mandate; or
2. when the County is required to take action to prevent the loss of a federal contract or federal funding; or
3. in furtherance of preventing violation of federal law by the County

D. Post-accident

Putnam County strictly prohibits the use of alcohol, controlled substances, marijuana, and illegally used drugs while operating a county motor vehicle or operating a motor vehicle while on County business. Employees are subject to testing in the event there is an accident. Testing includes urinalysis as well as breath testing and includes testing for marijuana upon the observation of articulable symptoms of impairment. The alcohol test should be performed within 2 hours of the accident. If not tested within 2 hours, the driver may be tested for alcohol up to 8 hours following the accident. The drug test will be performed within 32 hours of the accident. Employees who refuse or test positive shall be in violation of this policy and subject to discipline.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab to transport the employee home.

E. Consequences of post-employment drug testing

Employees who violate this policy by refusing or testing positive shall have a mandatory evaluation by a substance abuse professional (SAP). The SAP will then make a treatment recommendation. If the SAP determines the treatment was successful, the SAP will send a report of compliance to your employer. Your employer (or a future employer) can then order a return-to-duty test, which must be negative.

If the SAP determines that you didn't cooperate with the treatment plan, or that you didn't participate appropriately, the SAP will send a report of non-compliance to your employer, and you will have to continue with the program. If you return to work, you will be subject to follow-up testing.

Employees who test positive or refuse a second time shall be subject to disciplinary action up to and including termination.

Employees should refer to their collective bargaining agreements for further information.

F. Collection and testing procedures

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with the federal drug testing regulations. The specimen is divided into 2 separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a SAMHSA-certified lab for testing. Laboratory test results are reported to the medical review officer (MRO). Before reporting a positive test to the employer, the MRO will attempt to contact the employee to discuss the results. If the MRO is unable to contact the employee directly, the MRO will contact the employer's Drug Program Administrator who will contact the employee. In the event the employee indicated there is a medical reason for the test result, The MRO may speak with the prescribing doctor. If no legitimate explanation for the positive test is found,

the MRO will report the test as positive. If there is a valid explanation showing the presence of a medication which the employee has used in accordance with a valid prescription, the test will be considered a negative test. In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. This request must be made within 72 hours of the time the employee was informed of the results by the MRO. The cost of the split performed will be performed at the employee's expense.

G. Tips to avoid diluted test results

Consuming large amounts of water/liquids can cause drug test results to be diluted. This can cause unclear results and could result in the retesting of employees. A dilute negative test will not automatically be considered a negative test. This is because the large water quantities in the urine sample can obscure results.

To avoid retesting or possible disciplinary action, employees and applicants can follow the below tips when they are taking known or scheduled drug tests:

- Don't drink excessive water (more than one full glass of water) or any liquids at least two hours before sample collection, and reduce intake for six-eight hours before test
- Avoid caffeinated beverages such as coffee, tea, soda, or energy drinks, and other diuretics (including supplements)

IV. COMMERCIAL DRIVER'S LICENSE HOLDERS

Under 49 CFR Part 40, the Federal Highway Administration of the United States Department of Transportation requires certain drivers to undergo specific drug and alcohol testing. The drivers who must be tested under these guidelines are those required to hold a Commercial Drivers License (CDL).

This includes any driver who drives a motor vehicle-

- With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- With a gross vehicle weight rating of 26,001 or more pounds:
 - Designed to transport 16 or more passengers; or
 - Of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous: materials regulations.

These CDL guidelines shall apply to all Putnam County employees holding a CDL for the purposes of employment. This shall be ***in addition to all guidelines previously described in this policy.*** Where a discrepancy exists, CDL drivers are to follow the guidelines specific to those operating with a CDL. All CDL drivers must conform with federal regulations regarding the use of alcohol, drugs, and controlled substances. If a substance has become legal under New York State law but remains illegal under federal law, such as marijuana, CDL drivers are not permitted to use that substance.

A. Special Definitions

Safety-Sensitive Function – means any of the following:

1. All time spent waiting to be dispatched at the County’s transportation office, facility, or other property, unless the driver has been relieved from duty by the employer.
2. All time spent inspecting, servicing or conditioning equipment.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
5. All time loading or unloading a commercial motor 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.
6. All time spent performing the driver requirements associated with an accident.
7. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

B. Prohibited Conduct

A driver shall not:

1. Use any substance deemed illegal under federal law, even if that substance is legal under New York Law, such as marijuana.
2. Report for duty within four hours of consuming alcohol.
3. Use alcohol while on duty, including meal breaks.
4. Be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
5. Use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Use controlled substances, except when pursuant to the instructions of a physician who has advised the driver that such use will not adversely affect the driver’s ability to safely operate a commercial motor vehicle.

7. Report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substance.

C. Testing

The federal motor carrier safety regulations are very specific regarding when a driver must submit for a drug and an alcohol test as well as what substances must be tested for. This testing may be above and beyond that testing of non CDL driving employees. Additionally, these regulations follow federal law and not state law for the purposes of defining controlled substances. Pre-employment and follow up testing may be conducted at any point *prior* to the first safety-sensitive function.

Reasonable suspicion testing should occur immediately in the case of suspected drug use and as soon as possible in the case of suspected alcohol use. The supervisor who observed the underlying behavior shall not perform the breath test.

All other tests may occur during working hours either immediately before or after the performance of a safety sensitive function.

The following tests are ***in addition to or broaden the scope of the*** employment testing described above in Section III.

1. Random Testing

Throughout the year, drivers are subject to unannounced testing on a random basis. The number of covered employees randomly selected for testing during the calendar year shall be equal to a minimum annual percentage rate of 50 % of the total number of covered employees subject to drug testing, and an annual percentage rate for random alcohol testing shall be 10 % of covered employees. Since drivers are chosen at random throughout the year, each individual driver may not be tested or may be tested once, twice or more in a given year.

2. Follow-Up Testing

If a driver who violates this policy is allowed to return to duty, a test will be conducted prior to the performance of a safety-sensitive function. In addition, the driver will be subject to unannounced follow-up testing. The frequency of such tests will be prescribed by a substance abuse professional and will consist of a minimum of 6 tests in the first 12 months following the driver's return to duty.

3. Post-Accident

The employer will test for alcohol and drugs as soon as possible after an accident, if the driver receives a citation under State or local law for a moving traffic violation arising from the accident or if there is a fatality. The alcohol test should be performed within 2 hours of the accident. If not tested within 2 hours, the driver may be tested for

alcohol up to 8 hours following the accident. The drug test will be performed within 32 hours of the accident.

4. Return-to-duty testing

This is required after a violation of drug and alcohol rules. A test must be taken and come back negative before an employee can return to duty following SAP recommended treatment. These employees may also be subject to unannounced testing at least 6 times in the first 12 months. These tests must be conducted under direct observation.

D. Testing Procedures

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with DOT regulations. The specimen is divided into 2 separate containers (a split sample) and sealed in a tamper-evident container and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review officer (MRO). Each specimen receives a screening test and, if that test is positive, a confirmation test.

Before reporting a positive test to the employer, the MRO will attempt to contact the driver to discuss the results. If the MRO is unable to contact the driver directly, the MRO will contact the employer's Drug Program Administrator who will contact the driver. In the event the driver indicates there is a medical reason for the test result, The MRO may speak with the prescribing doctor. If no legitimate explanation for the positive test is found, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as a negative. A test showing the presence of a medication which the employee has used in accordance with a valid prescription will be considered a negative test, unless the employee drove in violation of the physician's orders prohibiting driving. Medical Marijuana prescriptions under New York State's CARE act shall NOT remedy a positive test for marijuana. Any driver covered by this section shall be considered in violation of the Putnam County drug and alcohol policy if tested positive for marijuana despite possession of a medical marijuana prescription.

In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. The costs for the split sample tests shall be shared equally between the County and the employee. This request must be made within 72 hours of the time the driver was informed of the results by the MRO.

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the shows a result less than 0.02, the test is considered negative. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

E. Testing refusal

Refusal to take a test goes beyond simply not providing a breath or urine sample. It may be determined that an employee has refused a drug or alcohol test when they:

1. fail to appear at, or take too long to appear at, the drug or alcohol testing site.
2. fail to provide a breath or urine specimen for collection.
3. leave the drug or alcohol collection site before the testing process is complete.
4. do not permit direct observation of the collection of the specimen when it has been ordered.
5. provide an insufficient amount of urine or breath without a valid medical reason as determined by the MRO.
6. do not take a second test as ordered by the employer and permitted by the DOT.
7. do not go to or does not permit to occur, a medical examination by the MRO as directed.
8. fail to cooperate with *any part* of the urine or breath collection process.
9. fail, during an observed collection, to follow the instructions to raise/lower clothing and turn around in order to allow the observer to check for a prosthetic device.
10. possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. they admit, during the collection process, that they have tampered with their specimen.
12. adulterate or substitute their specimen and it is confirmed by the lab and the MRO determines there is no medical reason for the result.
13. they admit, during a medical review, that they have tampered with their specimen.
14. fail to sign the certification statement at step 2 of the alcohol testing form.

F. **Consequences of testing**

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties

pursuant to County policy and collective bargaining agreements, as well as other sanctions provided for in state and/or federal law.

In addition to any consequences previously outlined in this policy, employees face the following:

1. Employees who test positive/dilute positive or refusal to test are required to be evaluated by a substance abuse professional (SAP) and complete any requirements for rehabilitation as set by the County and the SAP.
2. Employees subject to SAP procedures must complete the return to duty process prior to performing safety-sensitive duties.
3. When a test refusal event is reported to the employers designated contact person, the employee must immediately be removed from safety-sensitive duties.
4. When a verified positive/dilute positive test result initial report is received by Putnam County, the employee shall immediately be removed from performing safety sensitive functions.
5. When a test result is verified in an initial report as adulterated or substituted, it shall be considered a positive test. In the event this occurs, the employee shall immediately be removed from performing safety sensitive functions.
6. When a test result is returned as dilute negative, employees will be subject to a second test. Based upon MRO directive, this test may be required to be performed under direct observation. All other retests shall be conducted unobserved.
7. When an alcohol test result is 0.04 or higher, the employee shall immediately be removed from performing safety sensitive functions.
8. When an alcohol test result is between 0.02 and 0.039, the employee shall be temporarily be removed from performing safety sensitive functions.
9. A driver who, after providing an adequate breath specimen, has a confirmatory test which registers between 0.02 and 0.04, at a minimum, must be suspended without pay until his/her next regularly scheduled duty period, but for no less than 24 hours and may be subject to additional disciplinary action by the County, up to and including discharge.
10. A driver who tests positive for drugs, or after providing an adequate breath specimen, has a confirmatory test which registers 0.04 or greater will, at a minimum, be suspended without pay until his/her next regularly scheduled duty period, but for no less than 24 hours, and will be subject to additional disciplinary action by the County, up to and including discharge. In order to be

eligible to return to duty after a positive drug test or an alcohol level of 0.04 or higher, a driver must complete the course of rehabilitation prescribed by the substance abuse professional and undergo a return-to-duty test with a negative result. After returning to work, the driver must continue in an after-care program and be subject to follow-up testing, in accordance with the recommendation of the SAP and consistent with the regulations.

G. Return To Duty Process

1. The employee in violation of the DOT regulations for drug or alcohol testing is removed immediately from safety sensitive duty.
2. The employer is required to provide a list of DOT qualified Substance Abuse Professionals (SAPs). A SAP list may be provided by a dedicated service agent.
3. The SAP performs a face to face clinical evaluation of the employee and makes recommendations for treatment and/or education, providing documentation to the Designated Employee Representative (DER).
4. The employee complies with the treatment(s) and/or education recommended by the SAP. The SAP then conducts a follow-up evaluation and determines the employee's eligibility to return to safety sensitive duty providing documentation to the DER.
5. Once the DER receives the SAP's documentation indicating the employee is eligible to return to safety sensitive duty, the employee must test negative on a Drug/Alcohol Screening before returning to duty at the employer's discretion.
6. The employee is subject to unannounced follow-up testing and a period of 1 to 5 years according to a plan determined by the SAP and provided to the DER.
7. The SAP then recommends follow-up testing, aftercare treatment, and/or support group participation.

V. CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be confidential to the extent required by law and maintained in secure files. Such records and information may be disclosed among department heads and supervisors on a need-to-know basis, and when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

VI. INSPECTIONS

Putnam County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have union representation involved in this process.

All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

VII. EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK, AND PERSONAL LIFE

Impaired employees endanger themselves, fellow workers, and other innocent citizens. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, theft, and treatment programs. Also, medical costs are higher and are passed on to the employer in the form of higher insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes many changes in behavior and even low doses can impair the judgement and coordination required for driving. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to the brain and the liver.

Alcohol and substance abuse is a complex problem-calling for specialized supervision and care: Don't cover-up for a person who you think has a substance problem. Don't make excuses for them or do their work for them. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

VIII. GETTING HELP

Substance or alcohol abuse is an illness, not a character flaw. If you think you might have a problem, get help before it is too late. Leave the treatment and counseling of persons with an abuse problem to the professionals. The DOT in the regulations require that the person with a problem be evaluated by a professional.

Employees Assistance Program (EAP)
Monday-through-Friday: 914 995-6070

SAMHSA's National Helpline
1-800-662-HELP (4357)

The Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline is a free, confidential, 24/7, 365-day-a-year treatment referral and information service (English/Spanish) for individuals and families facing mental health disorders and substance addictions. They can refer you to therapists, counselors, treatment programs, and support groups in your area.

Drinking Drivers Program

Monday through Friday: 845 808 1641 EXT. 46018

Partners in Safety

845-341-0515

Reasonable Cause/Reasonable Suspicion Testing Form

Employee's Name: _____		ID/SSN: _____	
Department: _____		Job Title: _____	
Location of Incident/Observation: _____		Date: _____	
Time: _____		Other Witness(es): _____	
Trained Supervisor Name: _____		Signature: _____	
Concurring Supervisor Name: _____		Signature: _____	

Observations

Check all that apply, include descriptions of any changes in behavior and list any unusual behavior not included below

Observations of Employee's Physical Condition

<input type="checkbox"/> Slurred Speech <input type="checkbox"/> Confusion/disorientation <input type="checkbox"/> Odor of alcohol <input type="checkbox"/> Odor of marijuana <input type="checkbox"/> Unsteady gait/unbalanced <input type="checkbox"/> Glassy eyes	<input type="checkbox"/> Inability to focus eyes <input type="checkbox"/> Physical injury to self or others <input type="checkbox"/> Tremors/bodily shaking <input type="checkbox"/> Poor coordination <input type="checkbox"/> Rapid/continuous eye movement	<input type="checkbox"/> Runny nose <input type="checkbox"/> Very large or Small pupils <input type="checkbox"/> Slow/inappropriate reactions <input type="checkbox"/> Drowsiness <input type="checkbox"/> Inattentiveness
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Descriptive Notes: _____

Observations of Employee's Behavior

<input type="checkbox"/> Inability to respond to questions <input type="checkbox"/> Complaint of racing heart <input type="checkbox"/> Marked irritability	<input type="checkbox"/> Aggressiveness <input type="checkbox"/> Inappropriate laughing, cry etc <input type="checkbox"/> Sleeping on the job	<input type="checkbox"/> Fainting/loss of consciousness <input type="checkbox"/> Improper job performance <input type="checkbox"/> Violation of work rules
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Descriptive Notes: _____

Observations of General Job Performance

<input type="checkbox"/> Excessive unauthorized absences in last 12 months <input type="checkbox"/> Excessive authorized absences in last 12 months <input type="checkbox"/> Excessive use of sick leave, last 12 months	<input type="checkbox"/> Frequent Monday/Friday absence or pattern absence <input type="checkbox"/> Frequent unexplained disappearance <input type="checkbox"/> Excessive "extension" of breaks or lunch	<input type="checkbox"/> Frequent leaving work early <input type="checkbox"/> Ignores established procedures
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Descriptive Notes: _____

For use by Personnel Department

Date recv'd in personnel: _____	Date test ordered: _____
Date of test: _____	TEST RESULTS: _____
Date results recv'd: _____	Date results sent to department: _____
Name: _____	Signature: _____

DRUG AND ALCOHOL POLICY UPDATE

Changes:

1. Formatting- We previously had multiple different policies floating out there. Creating one policy that addresses all employees helps avoid confusion for the employees and their supervisors.
2. Addressing dilute specimens at pre-employment. After we had a few candidates with diluted specimens, we wanted to be sure to have a formal policy on how to proceed. (Highlighted in yellow)
3. Marihuana Regulation & Taxation Act. Changes to testing policy to accommodate the changes to the Labor Law from the MRTA. (Highlighted in green)
4. Added a list of symptoms Supervisors/Department heads can look for as the basis of reasonable suspicion testing. The plan is to create a short training for supervisors and department heads to learn how to identify these symptoms. This would be done in conjunction with PCSO and/or DAO. This includes a reporting form to assist in proper documentation. (Highlighted in blue)



PUTNAM COUNTY DRUG AND ALCOHOL POLICY

In compliance with the Drug-Free Workplace Act of 1988, Putnam County has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Putnam County employees and to the security of the County's equipment and facilities.

The County will not tolerate any drug or alcohol use which could affect an employee's job performance. The citizens of Putnam County have a right to expect that County employees will carry out their duties in a safe and reliable manner, free from the effects of alcohol or drugs.

For these reasons, Putnam County is committed to the elimination of drug and alcohol use and abuse in the workplace. It is the intent of the County, however, to encourage and assist such employees in treatment and rehabilitation whenever appropriate.

This policy and stated procedures replace, except where contrary to contractual obligations, any and all earlier procedures based on or expanding upon the Drug-Free Workplace Policy of its predecessor policies.

The policy and procedures apply to all active County employees in all government departments and to the staff of the Board of Legislators. The County reserves the right to modify the policy and procedures in whole or in part in accordance with the law and contractual procedures. All employees with bargaining agreements should refer to the language in their bargaining agreement in the event of language discrepancies.

The policy and procedures shall be the responsibility of the Personnel Department. Any questions should be directed to 845-808-1650.

The Personnel Officer shall be responsible for policy interpretation, administration, and enforcement.

I. DEFINITIONS

- A. Adulterated specimen – 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.
- B. Commercial Driver's License (CDL) – A driver's license required to operate large, heavy, or placarded hazardous material vehicles in the United States. Specific County positions may require an employee to hold a CDL for the purposes of employment. All CDL drivers must conform with federal regulations regarding the use of alcohol, drugs, and controlled substances.

- C. Controlled Substance – Any substance which has been deemed illegal under the New York State Penal Law ¹ (for example cocaine, valium, anabolic steroids). This term does NOT include the use of prescribed or legal substances which have been legally obtained and are being used for the purposes for which they were prescribed.
- D. County property – Includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Putnam County or any site on which the county is conducting business.
- E. Dilute urine sample – A urine specimen with creatinine and specific gravity values that are lower than expected for human urine, typically reported when values are lower than 20mg/dL.
- F. Dilute positive – A urine sample with a creatinine of less than 20mg/dL with detectable levels of the controlled substances which are subject to testing. This shall be treated as a positive drug screen.
- G. Dilute negative – A urine sample with a creatinine of less than 20mg/dL with no detectable levels of the controlled substances which are subject to testing. A dilute negative test will not automatically be considered a negative test.
- H. Drug Paraphernalia – Any items which are used for the administering, transferring, manufacturing, testing, secreting, or storing of a controlled substance and/or an illegally used drug
- I. Illegally Used Drugs – Any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all “designer drugs” not listed in the Controlled Substances Act, and any other over-the-counter or non-drug substance being used in a manner that is not intended.
- J. Legally Obtained Drugs – Any drug which has been obtained in a manner which is legal under the laws of New York State, including prescription, over-the-counter and recreational drugs².
- K. Marijuana – A legally obtained recreational drug under New York State Law. ALL employees that fall under federal regulation, such as CDL drivers, Deputy Sheriffs, Corrections Officers, and Probation Officers MUST follow federal law and therefore are not permitted to use or possess marijuana as specified in federal statues, laws, and regulations.

¹ See Title M, Article 220 of the New York State Penal Law or in Scheduled I-IV as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6))

² In April 2021 New York State legalized marijuana. At the time of the creation of this policy, marijuana remains illegal under federal law. See US Code Title 21 Controlled Substances Act, Section 812 Schedules of Controlled Substances

- L. Medical Review Officer (MRO) – A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
- M. Refuse to cooperate – To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- N. Under the influence of alcohol – An alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- O. Under the influence of drugs – A confirmed positive test result for prohibited drug use per this policy. Also included, the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

II. PROHIBITED CONDUCT

The following employee conduct is prohibited:

- A. The smoking or vaping of any tobacco, marijuana, or any other legal substance on any County property, within a County vehicle, or within thirty (30) feet of any entrance to any County property
- B. Employee arrival on County premise under the effects of, or the use on county owned property or while conducting county business or during business hours, of any legally obtained drug or alcohol, including marijuana, where such use adversely affects the employee's job performance³ including those legally prescribed by a physician and used in accordance with that prescription.
- C. The use, distribution, dispensation, or sale of alcohol on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours. An exception shall exist if it has been authorized at a County function by the County Executive, Deputy County Executive, or any Commissioner/Department Head of a County Department.

³ Where physician-directed use of drugs adversely affects performance, it is in the best general interest of the employee, co-workers, and the County that sick leave be used.

- D. **The use, distribution, dispensation, sale or transfer of marijuana** on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours.
- E. The use, possession, manufacturing, distribution, dispensation, or sale of a controlled substance, illegally-used drug, or drug paraphernalia on County property, while conducting County business, in a County vehicle, in a vehicle being used for County purposes, or during business hours.
- F. **The use of marijuana by employees subject to federal law/regulation including Commercial Drivers License Holders, Deputy Sheriffs, Correction Officers, and Probation Officers**
- G. Employee arrival on County premises under the effects of controlled substance or illegally used drug, to the point where such use adversely affects the employee's job performance.
- H. **Storage in a desk, locker, automobile or any other repository** on County Property of any illegally used drug, controlled substance, **or marijuana.**
- I. Storage of alcohol in a desk, locker, or any other repository within your workspace or building on County Property.
- J. **The possession of any illegally used drug, marijuana, or alcohol while conducting County business, while on County property, in the scope of employment, and/or any other circumstances related to their County employment.**
- K. Switching or adulterating urine samples.
- L. Refusing consent to alcohol or drug testing pursuant to the terms of this Policy.
- M. Failing to notify Putnam County, within five days of a conviction under a criminal drug statute for a violation occurring on or off County premises while conducting County business.

III. TESTING AND PROCEDURES

Drug testing is conducted, as allowable under the New York State law, for the following types of drugs: Amphetamines, Cocaine, Opiates & Phencyclidine unless otherwise noted. Individual test reports will be maintained by the Personnel Department for a minimum of five years.

A. Pre-employment

Applicants being considered for hire must submit to a drug test before beginning work or receiving an offer of employment. Pre-employment test results must be **negative** for an applicant to move forward.

In the event of a dilute negative with creatinine levels between 5 and 20 mg/dl, the applicant shall be offered a secondary drug screening. Prior to the second screening, the applicant shall have the opportunity to provide medical documentation explaining the dilute test results.

In the event of a dilute specimen with creatinine levels below 5mg/dl, Partners in Safety shall advise as to next actions.

All applicants for positions subject to Federal Regulations including CDL drivers, Deputy Sheriffs, Correction Officers, and Probation Officers shall be tested for marijuana in addition to the above listed controlled substances. A positive marijuana test for this group of applicants shall have the same bearing as a positive test for any of the other substances.

Any applicant with a drug test result of positive, dilute positive or who has refused testing shall be disqualified from the hiring process for a period of one year. In the event the position which has been applied for is a safety-sensitive position there is a blanket disqualification.

B. Reasonable suspicion

All employees are subject to testing based on (but not limited to) articulable symptoms of impairment by two supervisors or County officials⁴. Documentation of the employees conduct via the "Reasonable Cause/Reasonable suspicion testing form" shall be prepared and signed by the witnesses within 24 hours.

Examples of acceptable grounds for reasonable suspicion testing are as follows:

Observations for Employee's Physical Condition

1. Slurred speech
2. Confusion/disorientation
3. Odor of alcohol on breath or person
4. Odor of marijuana on breath or person
5. Unsteady gait or lack of balance
6. Glassy eyes
7. Rapid/continuous eye movement or inability to focus
8. Drowsiness
9. Inattentiveness
10. Apparent intoxicated manner (without the odor of alcohol or marijuana)
11. Physical injury to self or others
12. Tremors or bodily shaking
13. Poor coordination
14. Runny nose or sores around nostrils
15. Very large or small pupils
16. Slow or inappropriate reactions

⁴ Preferably that have received training in the identification of behavior indicative of use of a controlled substance

Observations of Employee's Behavior

1. Inability to respond to questions or to respond correctly
2. Complaints of racing or irregular heartbeat
3. Marked irritability
4. Aggressiveness (attempts at physical contact)
5. Inappropriate laughter, crying, etc.
6. Sleeping on the job
7. Fainting or repeated loss of consciousness
8. Improper job performance and or violation of work rules
9. Other behavioral manifestations

Observations of General Job Performance

1. Excessive unauthorized absences in last 12 months
2. Excessive authorized absences in last 12 months
3. Excessive use of sick leave in last 12 months
4. Frequent Monday/Friday absence or other pattern
5. Frequent unexplained disappearance
6. Excessive "extension" of breaks or lunch
7. Frequent leaving work early
8. Ignores established procedures

An employee, who is believed to be impaired, will be sent home, to a testing facility, or to a medical facility by taxi or other safe transportation alternative. If necessary, in the employer's discretion, the employee will be accompanied by a supervisor or other employee. Under no circumstance will an impaired employee be allowed to drive.

Drug testing based articulable symptoms of impairment shall include the testing for marijuana for all County employees.

C. Random Testing

Employees may be subject to random testing as dictated by their collective bargaining agreement.

Employees may be subject to random testing related to the use of cannabis:

1. when the County is required to take action pursuant to a state or federal statute, regulation, ordinance, or other state or federal government mandate; or
2. when the County is required to take action to prevent the loss of a federal contract or federal funding; or
3. in furtherance of preventing violation of federal law by the County

D. Post-accident

Putnam County strictly prohibits the use of alcohol, controlled substances, marijuana, and illegally used drugs while operating a county motor vehicle or operating a motor vehicle while on County business. Employees are subject to testing in the event there is an accident. Testing includes urinalysis as well as breath testing and includes testing for marijuana upon the observation of articulable symptoms of impairment. The alcohol test should be performed within 2 hours of the accident. If not tested within 2 hours, the driver may be tested for alcohol up to 8 hours following the accident. The drug test will be performed within 32 hours of the accident. Employees who refuse or test positive shall be in violation of this policy and subject to discipline.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab to transport the employee home.

E. Consequences of post-employment drug testing

Employees who violate this policy by refusing or testing positive shall have a mandatory evaluation by a substance abuse professional (SAP). The SAP will then make a treatment recommendation. If the SAP determines the treatment was successful, the SAP will send a report of compliance to your employer. Your employer (or a future employer) can then order a return-to-duty test, which must be negative.

If the SAP determines that you didn't cooperate with the treatment plan, or that you didn't participate appropriately, the SAP will send a report of non-compliance to your employer, and you will have to continue with the program. If you return to work, you will be subject to follow-up testing.

Employees who test positive or refuse a second time shall be subject to disciplinary action up to and including termination.

Employees should refer to their collective bargaining agreements for further information.

F. Collection and testing procedures

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with the federal drug testing regulations. The specimen is divided into 2 separate containers (the primary sample and the split sample) and sealed in a tamper-evident container and shipped to a SAMHSA-certified lab for testing. Laboratory test results are reported to the medical review officer (MRO). Before reporting a positive test to the employer, the MRO will attempt to contact the employee to discuss the results. If the MRO is unable to contact the employee directly, the MRO will contact the employer's Drug Program Administrator who will contact the employee. In the event the employee indicated there is a medical reason for the test result, The MRO may speak with the prescribing doctor. If no legitimate explanation for the positive test is found,

the MRO will report the test as positive. If there is a valid explanation showing the presence of a medication which the employee has used in accordance with a valid prescription, the test will be considered a negative test. In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. This request must be made within 72 hours of the time the employee was informed of the results by the MRO. The cost of the split performed will be performed at the employee's expense.

G. Tips to avoid diluted test results

Consuming large amounts of water/liquids can cause drug test results to be diluted. This can cause unclear results and could result in the retesting of employees. A dilute negative test will not automatically be considered a negative test. This is because the large water quantities in the urine sample can obscure results.

To avoid retesting or possible disciplinary action, employees and applicants can follow the below tips when they are taking known or scheduled drug tests:

- Don't drink excessive water (more than one full glass of water) or any liquids at least two hours before sample collection, and reduce intake for six-eight hours before test
- Avoid caffeinated beverages such as coffee, tea, soda, or energy drinks, and other diuretics (including supplements)

IV. COMMERCIAL DRIVER'S LICENSE HOLDERS

Under 49 CFR Part 40, the Federal Highway Administration of the United States Department of Transportation requires certain drivers to undergo specific drug and alcohol testing. The drivers who must be tested under these guidelines are those required to hold a Commercial Drivers License (CDL).

This includes any driver who drives a motor vehicle-

- With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- With a gross vehicle weight rating of 26,001 or more pounds:
 - Designed to transport 16 or more passengers; or
 - Of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous: materials regulations.

These CDL guidelines shall apply to all Putnam County employees holding a CDL for the purposes of employment. This shall be ***in addition to all guidelines previously described in this policy***. Where a discrepancy exists, CDL drivers are to follow the guidelines specific to those operating with a CDL. All CDL drivers must conform with federal regulations regarding the use of alcohol, drugs, and controlled substances. **If a substance has become legal under New York State law but remains illegal under federal law, such as marijuana, CDL drivers are not permitted to use that substance.**

A. Special Definitions

Safety-Sensitive Function – means any of the following:

1. All time spent waiting to be dispatched at the County’s transportation office, facility, or other property, unless the driver has been relieved from duty by the employer.
2. All time spent inspecting, servicing or conditioning equipment.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
5. All time loading or unloading a commercial motor 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.
6. All time spent performing the driver requirements associated with an accident.
7. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

B. Prohibited Conduct

A driver shall not:

1. **Use any substance deemed illegal under federal law, even if that substance is legal under New York Law, such as marijuana.**
2. Report for duty within four hours of consuming alcohol.
3. Use alcohol while on duty, including meal breaks.
4. Be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
5. Use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Use controlled substances, except when pursuant to the instructions of a physician who has advised the driver that such use will not adversely affect the driver’s ability to safely operate a commercial motor vehicle.

7. Report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substance.

C. Testing

The federal motor carrier safety regulations are very specific regarding when a driver must submit for a drug and an alcohol test as well as what substances must be tested for. This testing may be above and beyond that testing of non CDL driving employees. Additionally, these regulations follow federal law and not state law for the purposes of defining controlled substances. Pre-employment and follow up testing may be conducted at any point *prior* to the first safety-sensitive function.

Reasonable suspicion testing should occur immediately in the case of suspected drug use and as soon as possible in the case of suspected alcohol use. The supervisor who observed the underlying behavior shall not perform the breath test.

All other tests may occur during working hours either immediately before or after the performance of a safety sensitive function.

The following tests are ***in addition to or broaden the scope of the*** employment testing described above in Section III.

1. Random Testing

Throughout the year, drivers are subject to unannounced testing on a random basis. The number of covered employees randomly selected for testing during the calendar year shall be equal to a minimum annual percentage rate of 50 % of the total number of covered employees subject to drug testing, and an annual percentage rate for random alcohol testing shall be 10 % of covered employees. Since drivers are chosen at random throughout the year, each individual driver may not be tested or may be tested once, twice or more in a given year.

2. Follow-Up Testing

If a driver who violates this policy is allowed to return to duty, a test will be conducted prior to the performance of a safety-sensitive function. In addition, the driver will be subject to unannounced follow-up testing. The frequency of such tests will be prescribed by a substance abuse professional and will consist of a minimum of 6 tests in the first 12 months following the driver's return to duty.

3. Post-Accident

The employer will test for alcohol and drugs as soon as possible after an accident, if the driver receives a citation under State or local law for a moving traffic violation arising from the accident or if there is a fatality. The alcohol test should be performed within 2 hours of the accident. If not tested within 2 hours, the driver may be tested for

alcohol up to 8 hours following the accident. The drug test will be performed within 32 hours of the accident.

4. Return-to-duty testing

This is required after a violation of drug and alcohol rules. A test must be taken and come back negative before an employee can return to duty following SAP recommended treatment. These employees may also be subject to unannounced testing at least 6 times in the first 12 months. These tests must be conducted under direct observation.

D. Testing Procedures

Drug testing is done by means of urine collection and analysis. The specimen will be collected by trained personnel in accordance with DOT regulations. The specimen is divided into 2 separate containers (a split sample) and sealed in a tamper-evident container and shipped to a NIDA-certified lab for testing. Laboratory test results are reported to the medical review officer (MRO). Each specimen receives a screening test and, if that test is positive, a confirmation test.

Before reporting a positive test to the employer, the MRO will attempt to contact the driver to discuss the results. If the MRO is unable to contact the driver directly, the MRO will contact the employer's Drug Program Administrator who will contact the driver. In the event the driver indicates there is a medical reason for the test result, the MRO may speak with the prescribing doctor. If no legitimate explanation for the positive test is found, the MRO will report the test as positive. If there is a valid explanation for the positive test other than illegal drug use, the MRO will report the test as a negative. A test showing the presence of a medication which the employee has used in accordance with a valid prescription will be considered a negative test, unless the employee drove in violation of the physician's orders prohibiting driving. **Medical Marijuana prescriptions under New York State's CARE act shall NOT remedy a positive test for marijuana. Any driver covered by this section shall be considered in violation of the Putnam County drug and alcohol policy if tested positive for marijuana despite possession of a medical marijuana prescription.**

In the event of a positive drug test, the employee has the right to request that the split sample be sent to a different certified lab for testing. The costs for the split sample tests shall be shared equally between the County and the employee. This request must be made within 72 hours of the time the driver was informed of the results by the MRO.

Certified breath alcohol technicians will perform these tests using evidential breath testing devices. If the shows a result less than 0.02, the test is considered negative. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The confirmation test will be performed fifteen minutes after the initial test and the results of this test determine what actions will be taken.

E. Testing refusal

Refusal to take a test goes beyond simply not providing a breath or urine sample. It may be determined that an employee has refused a drug or alcohol test when they:

1. fail to appear at, or take too long to appear at, the drug or alcohol testing site.
2. fail to provide a breath or urine specimen for collection.
3. leave the drug or alcohol collection site before the testing process is complete.
4. do not permit direct observation of the collection of the specimen when it has been ordered.
5. provide an insufficient amount of urine or breath without a valid medical reason as determined by the MRO.
6. do not take a second test as ordered by the employer and permitted by the DOT.
7. do not go to or does not permit to occur, a medical examination by the MRO as directed.
8. fail to cooperate with *any part* of the urine or breath collection process.
9. fail, during an observed collection, to follow the instructions to raise/lower clothing and turn around in order to allow the observer to check for a prosthetic device.
10. possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. they admit, during the collection process, that they have tampered with their specimen.
12. adulterate or substitute their specimen and it is confirmed by the lab and the MRO determines there is no medical reason for the result.
13. they admit, during a medical review, that they have tampered with their specimen.
14. fail to sign the certification statement at step 2 of the alcohol testing form.

F. **Consequences of testing**

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties

pursuant to County policy and collective bargaining agreements, as well as other sanctions provided for in state and/or federal law.

In addition to any consequences previously outlined in this policy, employees face the following:

1. Employees who test positive/dilute positive or refusal to test are required to be evaluated by a substance abuse professional (SAP) and complete any requirements for rehabilitation as set by the County and the SAP.
2. Employees subject to SAP procedures must complete the return to duty process prior to performing safety-sensitive duties.
3. When a test refusal event is reported to the employers designated contact person, the employee must immediately be removed from safety-sensitive duties.
4. When a verified positive/dilute positive test result initial report is received by Putnam County, the employee shall immediately be removed from performing safety sensitive functions.
5. When a test result is verified in an initial report as adulterated or substituted, it shall be considered a positive test. In the event this occurs, the employee shall immediately be removed from performing safety sensitive functions.
6. When a test result is returned as dilute negative, employees will be subject to a second test. Based upon MRO directive, this test may be required to be performed under direct observation. All other retests shall be conducted unobserved.
7. When an alcohol test result is 0.04 or higher, the employee shall immediately be removed from performing safety sensitive functions.
8. When an alcohol test result is between 0.02 and 0.039, the employee shall be temporarily be removed from performing safety sensitive functions.
9. A driver who, after providing an adequate breath specimen, has a confirmatory test which registers between 0.02 and 0.04, at a minimum, must be suspended without pay until his/her next regularly scheduled duty period, but for no less than 24 hours and may be subject to additional disciplinary action by the County, up to and including discharge.
10. A driver who tests positive for drugs, or after providing an adequate breath specimen, has a confirmatory test which registers 0.04 or greater will, at a minimum, be suspended without pay until his/her next regularly scheduled duty period, but for no less than 24 hours, and will be subject to additional disciplinary action by the County, up to and including discharge. In order to be

eligible to return to duty after a positive drug test or an alcohol level of 0.04 or higher, a driver must complete the course of rehabilitation prescribed by the substance abuse professional and undergo a return-to-duty test with a negative result. After returning to work, the driver must continue in an after-care program and be subject to follow-up testing, in accordance with the recommendation of the SAP and consistent with the regulations.

G. Return To Duty Process

1. The employee in violation of the DOT regulations for drug or alcohol testing is removed immediately from safety sensitive duty.
2. The employer is required to provide a list of DOT qualified Substance Abuse Professionals (SAPs). A SAP list may be provided by a dedicated service agent.
3. The SAP performs a face to face clinical evaluation of the employee and makes recommendations for treatment and/or education, providing documentation to the Designated Employee Representative (DER).
4. The employee complies with the treatment(s) and/or education recommended by the SAP. The SAP then conducts a follow-up evaluation and determines the employee's eligibility to return to safety sensitive duty providing documentation to the DER.
5. Once the DER receives the SAP's documentation indicating the employee is eligible to return to safety sensitive duty, the employee must test negative on a Drug/Alcohol Screening before returning to duty at the employer's discretion.
6. The employee is subject to unannounced follow-up testing and a period of 1 to 5 years according to a plan determined by the SAP and provided to the DER.
7. The SAP then recommends follow-up testing, aftercare treatment, and/or support group participation.

V. CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be confidential to the extent required by law and maintained in secure files. Such records and information may be disclosed among department heads and supervisors on a need-to-know basis, and when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

VI. INSPECTIONS

Putnam County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have union representation involved in this process.

All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

VII. EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK, AND PERSONAL LIFE

Impaired employees endanger themselves, fellow workers, and other innocent citizens. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, theft, and treatment programs. Also, medical costs are higher and are passed on to the employer in the form of higher insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes many changes in behavior and even low doses can impair the judgement and coordination required for driving. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to the brain and the liver.

Alcohol and substance abuse is a complex problem-calling for specialized supervision and care: Don't cover-up for a person who you think has a substance problem. Don't make excuses for them or do their work for them. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

VIII. GETTING HELP

Substance or alcohol abuse is an illness, not a character flaw. If you think you might have a problem, get help before it is too late. Leave the treatment and counseling of persons with an abuse problem to the professionals. The DOT in the regulations require that the person with a problem be evaluated by a professional.

Employees Assistance Program (EAP)
Monday-through-Friday: 914 995-6070

SAMHSA's National Helpline
1-800-662-HELP (4357)

The Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline is a free, confidential, 24/7, 365-day-a-year treatment referral and information service (English/Spanish) for individuals and families facing mental health disorders and substance addictions. They can refer you to therapists, counselors, treatment programs, and support groups in your area.

Drinking Drivers Program

Monday through Friday: 845 808 1641 EXT. 46018

Partners in Safety

845-341-0515

Reasonable Cause/Reasonable Suspicion Testing Form

Employee's Name: _____		ID/SSN: _____
Department: _____		Job Title: _____
Location of Incident/Observation: _____		Date: _____
Time: _____		Other Witness(es): _____
Trained Supervisor Name: _____		Signature: _____
Concurring Supervisor Name: _____		Signature: _____

Observations

Check all that apply, include descriptions of any changes in behavior and list any unusual behavior not included below

Observations of Employee's Physical Condition

<input type="checkbox"/> Slurred Speech <input type="checkbox"/> Confusion/disorientation <input type="checkbox"/> Odor of alcohol <input type="checkbox"/> Odor of marijuana <input type="checkbox"/> Unsteady gait/unbalanced <input type="checkbox"/> Glassy eyes	<input type="checkbox"/> Inability to focus eyes <input type="checkbox"/> Physical injury to self or others <input type="checkbox"/> Tremors/bodily shaking <input type="checkbox"/> Poor coordination <input type="checkbox"/> Rapid/continuous eye movement	<input type="checkbox"/> Runny nose <input type="checkbox"/> Very large or Small pupils <input type="checkbox"/> Slow/inappropriate reactions <input type="checkbox"/> Drowsiness <input type="checkbox"/> Inattentiveness
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Descriptive Notes: _____

Observations of Employee's Behavior

<input type="checkbox"/> Inability to respond to questions <input type="checkbox"/> Complaint of racing heart <input type="checkbox"/> Marked irritability	<input type="checkbox"/> Aggressiveness <input type="checkbox"/> Inappropriate laughing, cry etc <input type="checkbox"/> Sleeping on the job	<input type="checkbox"/> Fainting/loss of consciousness <input type="checkbox"/> Improper job performance <input type="checkbox"/> Violation of work rules
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Descriptive Notes: _____

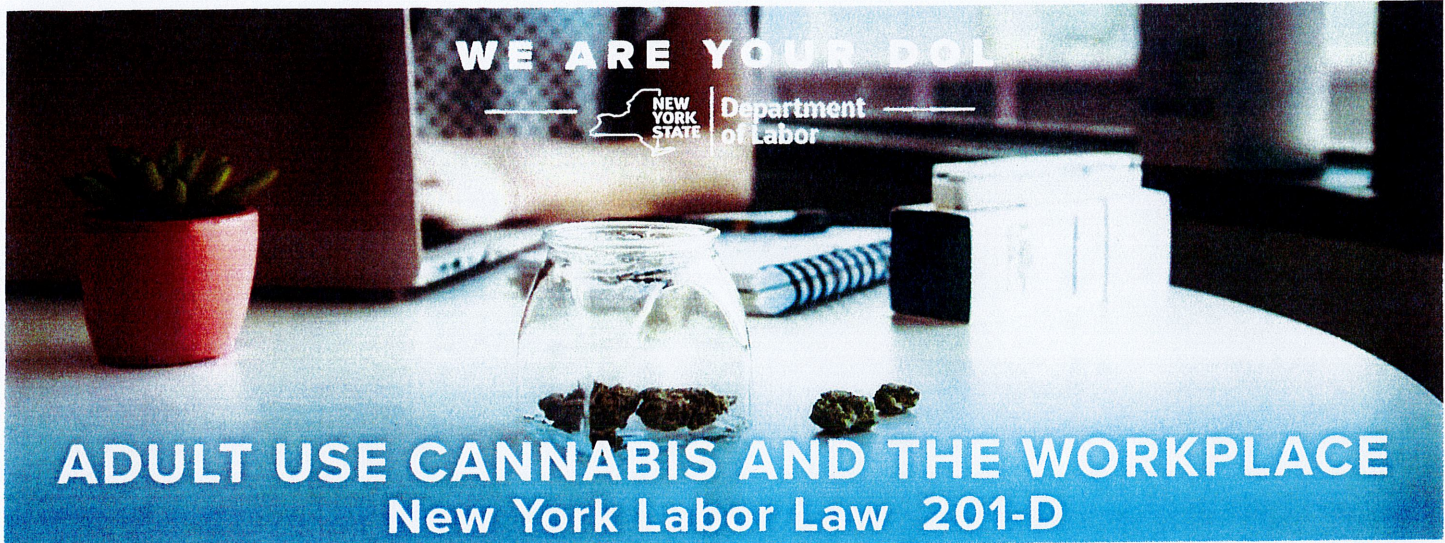
Observations of General Job Performance

<input type="checkbox"/> Excessive unauthorized absences in last 12 months <input type="checkbox"/> Excessive authorized absences in last 12 months <input type="checkbox"/> Excessive use of sick leave, last 12 months	<input type="checkbox"/> Frequent Monday/Friday absence or pattern absence <input type="checkbox"/> Frequent unexplained disappearance <input type="checkbox"/> Excessive "extension" of breaks or lunch	<input type="checkbox"/> Frequent leaving work early <input type="checkbox"/> Ignores established procedures
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Descriptive Notes: _____

For use by Personnel Department

Date recv'd in personnel _____	Date test ordered: _____
Date of test: _____	TEST RESULTS: _____
Date results recv'd: _____	Date results sent to department: _____
Name: _____	Signature: _____



This document is intended to address some of the most common situations or questions in the workplace related to adult-use cannabis and the Marijuana Regulation and Taxation Act (“MRTA”). This document does not address the medical use of cannabis. For further assistance with New York Labor Law and the MRTA, please visit New York State’s Office of Cannabis Management’s website at cannabis.ny.gov or consult with an appropriate professional.

DISCRIMINATION PROHIBITED

The MRTA amended Section 201-D of the New York Labor Law to clarify that cannabis used in accordance with New York State law is a legal consumable product. As such, employers are prohibited from discriminating against employees based on the employee’s use of cannabis outside of the workplace, outside of work hours, and without use of the employer’s equipment or property.

PERMITTED EMPLOYER ACTIONS

The MRTA amended New York Labor Law Section 201-D by adding a new subsection 4-a, which provides that employers MAY take employment action or prohibit employee conduct where:

- An **employer** is/was required to take such action by state or federal statute, regulation, or ordinance, or other state or federal governmental mandate
- The **employer** would be in violation of federal law
- The employer would lose a federal contract or federal funding
- The **employee**, while working, manifests specific articulable symptoms of cannabis impairment that decrease or lessen the employee’s performance of the employee’s tasks or duties
- The **employee**, while working, manifests specific articulable symptoms of cannabis impairment that interfere with the employer’s obligation to provide a safe and healthy workplace as required by state and federal workplace safety laws

FREQUENTLY ASKED QUESTIONS:

HUMAN RESOURCES ISSUES / ACTION AGAINST EMPLOYEES

Is illegal cannabis use protected?

Only the legal use of cannabis by adults over the age of 21 under New York State law is protected. The illegal use, sale, or transportation of cannabis is not protected by Section 201-D of the Labor Law. For more information on what is now considered legal use, please visit New York State’s Office of Cannabis Management’s website at cannabis.ny.gov or consult with an appropriate professional.

Can an employer take action against an employee for using cannabis on the job?

An employer is not prohibited from taking employment action against an employee if the employee is impaired by cannabis while working (including where the employer has not adopted an explicit policy prohibiting use), meaning the employee manifests specific articulable symptoms of impairment that:

- Decrease or lessen the performance of their duties or tasks
- Interfere with an employer’s obligation to provide a safe and healthy workplace, free from recognized hazards, as required by state and federal occupational safety and health laws

What are articulable symptoms of impairment?

There is no dispositive and complete list of symptoms of impairment. Rather, articulable symptoms of impairment are objectively observable indications that the employee’s performance of the duties of the position of their position are decreased or lessened. Employers are cautioned that such articulable symptoms may also be an indication that an employee has a disability protected

by federal and state law (e.g., the NYS Human Rights Law), even if such disability or condition is unknown to the employer. Employers should consult with appropriate professionals regarding applicable local, state, and federal laws that prohibit disability discrimination.

For example, the operation of heavy machinery in an unsafe and reckless manner may be considered an articulable symptom of impairment.

What cannot be cited by an employer as articulable symptoms of impairment?

Observable signs of use that do not indicate impairment on their own cannot be cited as an articulable symptom of impairment. Only symptoms that provide objectively observable indications that the employee's performance of the essential duties or tasks of their position are decreased or lessened may be cited. However, employers are not prohibited from disciplinary action against employees who are using cannabis during work hours or using employer property.

Can employers use drug testing as a basis for an articulable symptom of impairment?

No, a test for cannabis usage cannot serve as a basis for an employer's conclusion that an employee was impaired by the use of cannabis, since such tests do not currently demonstrate impairment. (For more information, see section Drug Testing below).

Can I fire an employee for having a noticeable odor of cannabis?

The smell of cannabis, on its own, is not evidence of articulable symptoms of impairment under Labor Law Section 201-D.

Do I have to fire an employee for using cannabis on the job or for cannabis impairment on the job?

No, employers are permitted to take action under such circumstances but are not required to do so.

Do I have to discipline, report, or fire an employee under age 21 who uses cannabis on the job?

No, there is no legal requirement to do so in the Labor Law.

Are employers required to hire an employee back who was previously terminated for now legal cannabis use or a related expunged crime?

No, the law does not require employers to rehire former employees who were terminated due to cannabis use prior to the legalization of cannabis.

What if my employee works remotely in another state that uses different laws?

The MRTA and New York Labor Law Section 201-D only apply to employees employed within the State of New York.

Can a person use cannabis if they are on leave?

For purposes of the labor law, employers cannot prohibit the use of cannabis while employees are on leave unless the employer is permitted to do so pursuant to the provisions of New York Labor Law Section 201-D(4-a).

USE AT WORK OR DURING WORK HOURS

Can employers prohibit use of cannabis during meal or break periods?

Yes, employers may prohibit cannabis during "work hours," which for these purposes means all time, including paid and unpaid breaks and meal periods, that the employee is suffered, permitted or expected to be engaged in work, and all time the employee is actually engaged in work.

Such periods of time are still considered "work hours" if the employee leaves the worksite.

Can employers prohibit use of cannabis during periods in which an employee is on-call?

Yes, employers may prohibit cannabis during "work hours," which includes time that the employee is on-call or "expected to be engaged in work."

Can employers prohibit cannabis possession at work?

Yes, employers may prohibit employees from bringing cannabis onto the employer's property, including leased and rented space, company vehicles, and areas used by employees within such property (e.g., lockers, desks, etc.).

For remote employees, can employers prohibit use in the "worksite"?

The Department of Labor does not consider an employee's private residence being used for remote work a "worksite" within the meaning of Labor Law Section 201-D. However, an employer may take action if an employee is exhibiting articulable symptoms of impairment during work hours as described above and may institute a general policy prohibiting use during working hours.

Can employers prohibit use when the employee uses a company vehicle?

Yes, employers are permitted to prohibit use in company vehicles or on the employer's property, even after regular business hours or work shifts.

WORKPLACE POLICIES

Can employers prohibit the use of cannabis outside of the workplace?

No, unless the employer is permitted to do so pursuant to the provisions of Labor Law Section 201-D(4-a).

Can employers require that employees promise or agree not to use cannabis as a condition of employment?

No, employers are not permitted to require employees to waive their rights under Section 201-D of the Labor Law as a condition of hire or continued employment.

Are existing policies prohibiting use permitted?

No, unless an exception applies. Employers are encouraged to update or amend such policies to reflect changes to New York State law.

APPLICABILITY

Are both public and private employees covered by the MRTA and New York Labor Law Section 201-D?

Yes, they apply to all public (state and local government) and private employers in New York State, regardless of size, industry, or occupation.

Which employees aren't covered by the MRTA and New York Labor Law Section 201-D?

The MRTA and New York Labor Law Section 201-D do not apply to individuals who are not employees (e.g., students who are not employees, independent contractors, individuals working out of familial obligation, volunteers) or provide any consumer protections. Employees under the age of 21 are also not covered, as cannabis use by individuals under the age of 21 is prohibited by New York Law and not subject to the present protections.

Do the MRTA and New York Labor Law Section 201-D depend on immigration or citizenship status?

No, the MRTA and New York Labor Law Section 201-D apply to all employees regardless of immigration or citizenship status.

Do the MRTA and New York Labor Law Section 201-D apply to students?

Yes, the MRTA and New York Labor Law Section 201-D apply to all employees, regardless of their educational status. However, students who are not "employees" are not covered by this law.

DRUG TESTING OF EMPLOYEES

Can an employer test for cannabis?

No, unless the employer is permitted to do so pursuant to the provisions of Labor Law Section 201-D(4-a) or other applicable laws.

Can an employer drug test an employee if federal law allows for drug testing?

No, an employer cannot test an employee for cannabis merely because it is allowed or not prohibited under federal law. (See e.g., USDOL TEIN 15-90 explaining that neither the Drug Free Workplace Act of 1988 nor the rules adopted thereunder authorizes drug testing of employees.) However, an employer can drug test an employee if federal or state law requires drug testing or makes it a mandatory requirement of the position. (See e.g., mandatory drug testing for drivers of commercial motor vehicles in accordance with 49 CFR Part 382; see also e.g., NY Vehicle and Traffic Law Section 507-a which requires mandatory drug testing for for-hire vehicle motor carriers in accordance with 49 CFR 382.)

¹ The federal government, as an employer, is not covered by this law.

Personnel Committee Mtg.
November 14, 2023
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FYI/Accident Report

Personnel Committee Mtg.
November 14, 2023
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FYI/ Incident Report