

AN ORDINANCE TO AMEND ORDINANCE 2014-3 UPDATING THE CRAIGHEAD COUNTY EMPLOYMENT POLICY FOR DOT DRUG AND ALCOHOL USE AND TESTING, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Quorum Court has reviewed and consulted with applicable laws and regulations governing the use of drugs and alcohol by motor vehicle drivers, and

WHEREAS, the U.S. Department of Transportation "DOT" has issued regulations as part of 49 CFR Part 40 and 382 that shall be incorporated into the Craighead County Employment Policy Handbook, and

WHEREAS, the DOT has made several revisions and updates to their regulations, and

WHEREAS, the County has a vital interest in providing for the safety and well-being of its employees and the public and maintaining efficiency and productivity in all of its operations, and

WHEREAS, it is the County's intention to comply with any applicable state requirements governing drug and or alcohol testing, which is not preempted by DOT regulations.

NOW THEREFORE be it Ordained by the Quorum Court of Craighead County, State of Arkansas as follows:

SECTION 1. Ordinance No. 2014-3 adopting the Craighead County Employment Policy shall be amended and Section 25 of the Policy shall be amended to include the following Section M.

M) The U. S. Department of Transportation issues regulations governing the use of alcohol and drugs by Motor Vehicle Drivers. The County of Craighead wishes to adopt updates in the regulations. All updates will be disseminated to applicable employees and acknowledged forthwith.

Nothing in this section shall contradict or remove any of the items referenced in A. through L of Section 25. The incorporated exhibit shall be used exclusively for the County's policy in regards to motor vehicle drivers. The County adopts any further updates issued by the U. S. Department of Transportation to these regulations.

SECTION 2. Ordinance No. 2014-3, Section F shall be modified to state:

Reasonable suspicion testing shall not be conducted until after the facts are reviewed by the Human Resources manager and they agree with the supervising Elected Official that reasonable suspicion exists under the particular facts of the particular case.

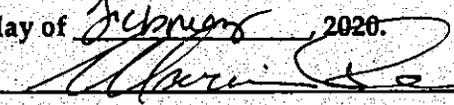
SECTION 3. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. It is hereby determined by the Quorum Court that the above-described amendment is needed within the coming days for the immediate needs of employees for fair treatment in applicable areas of drug and alcohol testing. The health and safety concern of the

08/16/20

Citizens of Craighead County, and is vital to the health, welfare, and safety of the public; therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED on this 24 day of February, 2020.



Marvin Day, County Judge

ATTEST:



County Clerk