

**VAN BUREN COUNTY QUORUM COURT  
EMERGENCY ORDINANCE NO. 2012-4**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN,  
STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:**

**A SUPPLEMENT TO THE VAN BUREN COUNTY PERSONNEL  
POLICY AND PROCEDURES MANUAL; (ORDINANCE 2003-31 AND  
ORDINANCE 2007-25), FOR AN ALL-COUNTY EMPLOYEE DRUG AND  
ALCOHOL TESTING PROGRAM.**

**WHEREAS:** There is a need for an “all-county employee drug and alcohol testing program”  
for Van Buren County.

**THEREFORE BE IT ORDAINED:**

That the Van Buren County Quorum Court approves the following to supplement the County  
Personnel Policy and Procedures Manual.

**AN ALL-COUNTY EMPLOYEE DRUG AND ALCOHOL TESTING PROGRAM**

- A. All county employees are subject to testing by the county to detect the presence of  
controlled substances/alcohol in their body, including:
1. Pre-employment Testing (controlled substances only)
  2. Reasonable Suspicion Testing
  3. Random Testing
  4. Post-accident Testing
  5. Return-to-duty and Follow-up Testing
- B. County employees subject to testing shall include employees whose duties require them  
to:
1. Maintain a commercial driver’s license or,
  2. Carry a firearm or,
  3. Routinely operate an emergency vehicle (one equipped with siren and red or blue  
lights) in order to lawfully carry out their duties or,
  4. Serve as mechanics on county vehicles or,
  5. Be prepared to use justified physical force against persons to maintain order or secure  
security for persons detained by the county or,
  6. Drive a vehicle as a part of the employee’s normal county duties (excluding to and  
from work) or,
  7. Serve as a dispatcher for law enforcement or emergency services.
- C. The Drug and Alcohol Testing Procedures required by the U.S. Department of  
Transportation (the Rules) shall be the procedures followed by the county, which  
procedures shall not be contrary to procedures promulgated by the Association of  
Arkansas Counties.

- D. Upon the County's adoption of this policy, or at the point of hiring, each County employee shall certify in writing that:
- 1.) The employee has been informed of and understands his or her obligations under the County's drug and alcohol testing policy and the drug and alcohol regulation of the U. S. Department of Transportation.
  - 2.) The employee understands that the use or possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident;
  - 3.) The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and,
  - 4.) The employee understands that, as a condition of employment, the employee must submit to collection of breath, urine, blood, and/or saliva samples when requested by the county employer or contractor acting for the county employer and, also, that the employee may be subject to drug and alcohol testing in other circumstances including, but not limited to post-accident and when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions concerning controlled substances or alcohol.
- E. Drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules.
- F. Reasonable suspicion testing shall not be conducted until after the facts are reviewed by the prosecuting attorney, a deputy prosecuting attorney, or the county civil attorney and the reviewing attorney agrees with the supervising elected official that reasonable suspicion exists under the particular facts of the particular case.
- G. The following shall result in immediate discharge:
1. Refusal to take a mandated test for drugs or alcohol:
  2. A positive drug test result, once the time limit for requesting a second test of a split sample has expired or upon a receipt of a positive drug test result from the second test; or
  3. A positive alcohol test result.
- H. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the County's 'Designated Representative' receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed to the County by the employee. The County shall withhold from the employee's paycheck the cost of the second (split sample) test to reimburse the County. A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the cost of the second test.
- I. An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.5 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the County's 'Designated Representative'.

**EMERGENCY CLAUSE:** It is hereby found and determined that the effectiveness of this Ordinance is essential for the operation of Van Buren County Government and that any delay in its effectiveness would work irreparable harm upon the proper administration of Van Buren County Government and the care of county property. Therefore an emergency is declared to exist and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effect after passage and publication as declared by state law.

**PASS AND ADOPTED THIS 16<sup>th</sup> DAY OF FEBRUARY, 2012.**

**APPROVED:**   
Roger Hooper, County Judge

**ATTEST:**   
Ester Bass, County Clerk