

VAN BUREN COUNTY QUORUM COURT BOOK 2018

ORDINANCE NO. 2018- 14

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ORDINANCE Book

04/26/2018 01:53 PM

PAM BRADFORD

County Clerk

VAN BUREN COUNTY, AR

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

**AN ORDINANCE APPROVING THE REVISION OF THE VAN BUREN COUNTY EMPLOYEE HANDBOOK FOR ALL VAN BUREN COUNTY EMPLOYEES UNDER SECTIONS "DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY" AND "CATASTROPHIC LEAVE BANK" (SEE ATTACHED POLICY CHANGES);**

**WHEREAS:** The Quorum Court of Van Buren County recognizes that the Employee Handbook will need periodic updating; and

**WHEREAS:** The Employee Handbook has been revised and updated with Ordinance #2016-19; and

**WHEREAS:** The Personnel Committee of the Quorum Court agree to the attached changes in a meeting on the 15<sup>th</sup> of March, 2018 and that the section on Catastrophic Leave Bank will grandfather in everyone presently working for the County.

**NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT:**

**SECTION 1:** The Van Buren County Employee Handbook be updated.

**SECTION 2:** These new updates better serve our County employees.

**SECTION 3:** The lack of a Catastrophic Leave Bank is a Public Emergency affecting the life, health, safety or property of Van Buren County employees. It is therefore declared that an emergency exists and this Ordinance shall be in full force and effect from and after its passage.

Approved this 19<sup>th</sup> day of April 2018

APPROVED: Roger W. Hooper  
Roger Hooper, County Judge

ATTEST: Pam Bradford  
Pam Bradford, County Clerk

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I certify that this instrument was  
filed on 04/26/2018 01:53 PM  
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ORDINANCE Book 2018  
PAM BRADFORD  
County Clerk  
VAN BUREN County, AR

Amanda Mitchell D.C.

## CATASTROPHIC LEAVE BANK

### A. Participation

Participation in the Catastrophic Leave Bank is available to all full time employees who meet the eligibility requirements. These requirements include the following:

1. The employee must be a regular/full-time employee
2. The employee must have been continuously employed by Van Buren County in a full-time capacity for a minimum of two years prior to the plan's effective date.

### B. Committee and Overseers

1. The Catastrophic Leave Bank Committee will consist of the County Judge, County Clerk, Circuit Clerk, Sheriff, Collector, Treasurer and Assessor. The committee will elect a chairperson.
2. The committee shall render a decision on all applications within ten (10) working days after receiving the request.
3. The decision must reflect a majority of the entire committee, that is at least four (4) votes.
4. A group of no less than (5) committee members shall be present to conduct the official business of the Catastrophic Leave Committee.
5. The committee members shall use the following criteria in administering the Catastrophic Leave donation and in rendering their decisions.
  - A. Medical evidence of serious illness.
  - B. Must use all accumulated leave.
  - C. History of use of leave
6. The County Clerk's office shall keep record of all time donated and all time dispersed.
7. The committee in no way obligates itself or assumes responsibility should the Catastrophic Leave fund find itself inadequate to respond to the needs of the county employees.
8. In instances where the requesting employee is employed by the department of one of the voting Officials, that member will be asked to abstain from voting on the request.

### C. Procedures for Application for Catastrophic Leave Donation Withdrawals

1. All full-time employees shall be eligible to make application to the Catastrophic Leave Fund provided that:
  - He/she has been absent from work due to catastrophic illness, including but not limited to injury, emergency surgery or temporary disability at least ten (10) consecutive workdays immediately prior to the day Catastrophic Leave donation days begin. The Catastrophic Leave donation days will commence after all other leave has been exhausted. Other considerations will be made as needed.
  - Elective surgery and/or pregnancy will not be included.
  - In the event that an employee is physically or mentally unable to make a request to the Catastrophic Leave Committee, a family member or agent may file the request on the member's behalf.

- The Catastrophic Leave Donation withdrawal form shall be accompanied by a physician's statement verifying illness and attesting to the individual's incapacity to perform assigned duties.
  - An applicant may be required to undergo at his/her own expense a medical review by a physician approved by the Committee.
  - Leave days must be used for personal illness, temporary disability and/or the illness of an immediate family member.
  - Leave grants from the Catastrophic Leave donation shall be in units of up to ten (10) consecutive workdays.
  - Applicants may submit requests for extensions of leave before their prior grant expires.
  - The maximum number of donated days any member may receive in any twelve (12) month period is sixty (60) days.
  - All donated leave granted but not used by the employee must be returned to the Catastrophic Leave Fund according to time given.
  - ANY fraudulent or misinformation will automatically render application to the Catastrophic Leave Fund null and void and could result in termination.
  - Catastrophic Leave Fund days will not be granted if an applicant is eligible for or receiving income from an income protection insurance policy or similar coverage. Employees receiving Workers Compensation benefits will also be ineligible to receive benefits.
- D. Procedures for Application to the Catastrophic Leave Fund due to Immediate Family Illness**
- Procedures will be the same as listed for personal use with the following exceptions:
- The maximum number of days any member may receive in any twenty-four (24) month period is ten (10) days (80 hours). Failing to return to work at the end of the catastrophic leave period will result in termination.
  - Application to the Catastrophic Leave Fund as a result of immediate family illness requiring hospitalization will be reviewed on an individual basis.
  - Consecutive days absent from work may not always be necessary due to immediate family illness; therefore, each case will be carefully reviewed as to individual need. Immediately family shall include the employee's spouse, children, parents and any other relatives living in the same household.

## DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY

Van Buren County Arkansas is committed to protecting the safety, health and wellbeing of all employees and the public in our workplace. The County has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol-free and drug-free environment. The purpose of this policy is to assure worker fitness for duty and to protect the County's employees, passengers, and the public from risk posed by misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable federal regulations governing workplace anti-drug and anti-alcohol programs.

### (1) Testing.

To ensure the accuracy and fairness of drug and alcohol testing, all testing will be conducted by a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, according to SAMHSA guidelines, in accordance with procedures required by the U.S. Department of Transportation where applicable, and in compliance with all applicable laws and regulations. Prohibited controlled substances are those defined by the Federal Control Substances Act and applicable Arkansas statutes governing controlled substances. An employee whose initial drug test result is positive and who requests a test of the split sample will be suspended without pay until the County receives the result of the split test. The split test will be paid by the County to be reimbursed to the County by the employee via withholding from the employee's paycheck. A negative result from the test will render the first test invalid and employee will be reinstated with back pay and reimbursement for the cost of the split test.

### (1) Prescription Drugs, Over-the-Counter Drugs and Medical Marijuana.

Prescription drugs and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription—however, a safety-sensitive employee who has been prescribed a medication that might cause drowsiness or otherwise impair the employee's ability to safely perform job functions shall notify the employee's supervisor and provide a written statement from the prescribing practitioner certifying that such use will not impair the employee's ability to safely perform his or her job functions. When proper notification is made and a licensed medical practitioner's statement is provided, a reasonable effort will be made to temporarily assign the employee to another position, if available. The illegal or unauthorized use of prescription drugs is prohibited. Medical marijuana usage under the Arkansas Medical Marijuana Amendment is subject to Act 593 of 2017, which restricts an employee in a safety sensitive position from performing those duties if a positive test result occurs even if the employee is a qualifying patient under the Amendment and/or holds a registry identification card.

(2) Post-Offer / Pre-Employment Testing:

County officials who hire for a position may elect to conduct post-offer / pre-employment testing on any prospective County employee. The prospective employee will not be employed until the test results are received by the office of the County Judge. The County Judge will then notify the County Clerk, who will notify the elected County official or department head of the testing results. A prospective employee cannot start work until the post-offer / pre-employment test result is received.

(3) Safety/Security-Sensitive Positions\* include, but are not limited to, positions involving a safety-sensitive function pursuant to regulations governing drug and alcohol testing adopted by the U.S. Department of Transportation and the Arkansas General Assembly.

Safety sensitive positions typically involve job duties where impairment may present a clear and present risk to co-workers or other persons. A safety-sensitive position includes any position where a momentary lapse in attention could result in injury or death to another person. A safety sensitive position includes, but is not limited to, a position in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to:

- (i) Carry a firearm,
- (ii) Perform life-threatening procedures,
- (iii) Work with confidential information or criminal investigations
- (iv) Work with controlled substances,
- (v) Maintain a commercial driver's license,
- (vi) Drive a vehicle or operate heavy equipment as part of normal duties;
- (vii) Serve as a mechanic on County vehicles,
- (viii) Serve as a dispatcher for law enforcement or emergency services; or
- (ix) Be prepared to use justified physical force against persons to maintain order or security for persons detained by the county.

(4) Testing of Safety/Security-Sensitive Employees.

Safety-sensitive employees are subject to testing to detect the presence of alcohol and controlled substances, including:

- (i) Post-offer/ pre-employment testing;
- (ii) Random testing;
- (iii) Reasonable suspicion testing;
- (iv) Post-accident testing; and
- (v) Return-to-duty testing and follow-up testing.

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(5) Random Testing of Safety/Security Sensitive Employees. Employees in safety-sensitive positions will be subject to random, unannounced testing. A computerized program shall determine the individual safety-sensitive employees to be randomly tested.

(6) Reasonable-Suspicion Testing of Safety-Sensitive Employees. A safety/security sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of alcohol or drugs, or not fit for duty, shall be suspended from job duties with pay pending an investigation and verification of condition. Only an elected County official or the injury, immediately receives medical treatment away from the scene of the accident; or, supervisor who has been trained in reasonable-suspicion testing requirements may initiate reasonable-suspicion testing.

(7) Post-Accident Testing

A County employee shall be suspended with pay pending an investigation and verification of condition and screened for the presence of controlled substances and alcohol, as soon as practicable, following his or her involvement in an accident involving a County vehicle or equipment, under the following situations:

- (i) An accident that results in the loss of human life;
- (ii) An accident that results in a moving violation citation;
- (iii) An accident that involves bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or,
- (iv) An accident that involves on or more vehicles incurring disabling damage as a result of the accident (requiring any vehicle to be transported away from the scene).

(8) Disciplinary Action

The following shall result in immediate discharge:

- (i) Refusal to take a mandated test for drugs and alcohol
- (ii) A positive drug test \*once the time limit for requesting a split test has expired, or upon receipt of a positive result from the split test); or
- (iii) A positive alcohol test.
- (iv) An accident that involves one or more vehicles incurring disabling damage as a result of the accident (requiring any vehicle to be transported away from the scene).

(9) Records.

All records regarding the County's Drug-Free and Alcohol-Free Workplace Policy shall be confidentially maintained, in a secure location with controlled access. Although records maintained by the County will remain confidential, such records may be used in legal proceedings in defense of the County, its agents, and employees and such records may be otherwise disclosed as required or allowed by law.