

ORDINANCE NO. 47-21

AN ORDINANCE AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON BY ADDING SECTION 5.16.1 (FMCSA CLEARINGHOUSE POLICY AND PROCEDURES FOR CDL EMPLOYEES) AND DECLARING AN EMERGENCY

WHEREAS, Council, on December 23, 2008, passed Ordinance No. 176-08 adopting the City's Personnel Policy Manual; and

WHEREAS, the U. S. Department of Transportation, (DOT) established regulations requiring employers to participate in the Federal Motor Carrier Safety Administration Clearinghouse, (FMCSA Clearinghouse), pursuant to 49 C.F.R. 382.701 to 382.727; and

WHEREAS, the FMCSA Clearinghouse is an online database maintained by the federal government for the purposes of reporting and searching for drug and alcohol test results of CDL (Commercial Driver's License) holders; and

WHEREAS, the federal government is beginning to impose penalties on employers who are not complying with said reporting; and

WHEREAS, the City of Avon regards the illegal use of drugs and the abuse of alcohol as serious problems; and

WHEREAS, a review of the DOT regulations has resulted in proposed changes to the Personnel Policy Manual and the adoption of the FMCSA Clearinghouse Policy and Procedures for CDL Employees, (Section 5.16.1); and

WHEREAS, Council finds the Administration's reasoning for these proposed changes to the City's Personnel Policy Manual to be compelling and therefore the proposed amendments to the City's Personnel Policy Manual should be adopted and doing so would be in the best interests of the health, safety and welfare of the citizens of Avon in having City employees fully engaged in serving the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That the proposed addition to the Personnel Policy Manual, Section 5.16.1 (FMCSA Clearinghouse Policy and Procedures for CDL Employees) is hereby adopted in its entirety as set forth in the attached Exhibit A which is incorporated herein by reference.

Section 2 – That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to add Section 5.16.1 to Avon's Personnel Policy Manual establishing a FMCSA Clearinghouse Policy and Procedures for CDL Employees; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director