



# Jackson County Missouri

Jackson County Courthouse  
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## Legislation Details (With Text)

**File #:** 5671      **Version:** 0      **Name:** CODE Chapt 7 Marijuana testing  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/22/2022      **In control:** Legislature As A Whole  
**On agenda:** 9/26/2022      **Final action:** 10/3/2022  
**Title:** AN ORDINANCE repealing section 720., Jackson County Code, 1984, relating to County hiring practices and enacting, in lieu thereof, one new section relating to the same subject.  
**Sponsors:** Crystal Williams, Jalen Anderson, Tony Miller, Theresa Cass Galvin  
**Indexes:** HIRE PERSONNEL, JACKSON COUNTY CODE  
**Code sections:**  
**Attachments:** 1. 5671bu.pdf, 2. 5671adopted.pdf

Date	Ver.	Action By	Action	Result
10/3/2022	0	County Legislature	Consent Agenda	
10/3/2022	0	County Legislature	perfect	Pass
10/3/2022	0	County Legislature	adopt	Pass
9/27/2022	0	County Legislature	Go To 1st Perfection	Pass
9/26/2022	0	County Legislature	assign to committee	

### IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** repealing section 720., Jackson County Code, 1984, relating to County hiring practices and enacting, in lieu thereof, one new section relating to the same subject.

**ORDINANCE NO. 5671**, September 26, 2022

**INTRODUCED BY** Crystal Williams, Jalen Anderson, Tony Miller, and Theresa Cass Galvin, County Legislators

BE IT ORDAINED by the Legislature of Jackson County, Missouri, as follows:

#### Section A. Enacting Clause

Section 720., Jackson County Code, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as section 720., to read as follows:

720. Hiring Procedures.

The following hiring procedures apply:

720.1 Budget Authorization, Employee Positions.

The appointing authority shall not hire any employee for a position that has not been provided for either in the annual budget of the department or in a budget adjustment approved by the Director of Finance and Purchasing.

720.2 Position Assignment.

All persons hired shall be assigned a position which has been assigned a class, grade and class specification.

720.3 Special-Fund Employees.

This section shall not prohibit the employment of persons in positions funded by sources other than county revenues if those funds have been allocated to the department of the appointing authority with the approval of the Director of Finance and Purchasing.

#### 720.4 Merit Employees.

The appointing authority shall not hire any employee for a merit position unless the Human Resources Director certifies that the applicant is qualified for the position.

##### a. Request for Further Recruitment.

The appointing authority may reject with justification any applicant certified and request further recruitment and certification of applicants.

##### b. Reasons for Selection.

The appointing authority shall submit to the Human Resources Director a written statement of the reasons for selecting an applicant for a merit position.

##### c. Reasons for Rejection.

The appointing authority shall submit to the Human Resources Director a written statement of the reasons for the rejection of any applicant for a merit position.

#### 720.5 Requesting Salary History, Prohibited.

a. Neither the appointing authority nor the Director of Human Resources may seek an applicant's salary history, either in an employment application form or otherwise.

b. The appointing authority may not consider or rely on an applicant's salary history as a factor in determining whether to offer employment to an applicant or in determining pay.

c. The appointing authority may not refuse to hire or retaliate against an applicant for refusing to disclose the applicant's salary history.

d. This subsection does not prohibit:

i. An applicant from voluntarily, and without prompting, disclosing the applicant's salary history, provided the appointing authority does not rely on that voluntary disclosure to determine an initial offer of starting salary for the applicant;

ii. The appointing authority from discussing an applicant's expectations with respect to salary without inquiring about salary history;

iii. The appointing authority from verifying non-salary information disclosed by an applicant or received from a background check, provided that any salary history disclosed by a background check is not used to refuse to hire or determine an applicant's salary; and

iv. The appointing authority from relying on salary history voluntarily provided by the applicant to pay the applicant a higher wage than initially offered, if reliance on salary history does not result in unequal pay for equal work based on membership or non-membership in a protected class.

#### 720.6 Testing for Marijuana, Prohibited.

##### a. Policy.

Neither any appointing authority nor the Director of Human Resources may require a prospective employee to submit to testing for the presence of marijuana in the prospective employee's system as a condition of employment or promotion.

##### b. Exceptions.

This prohibition shall not apply to persons applying for work in the following County positions:

i. Deputy Sheriff, Park Ranger, and Assistant Prosecuting Attorney;

ii. Any position requiring a commercial driver's license;

iii. Any position requiring the supervision or care of children, medical patients, or

disabled or other vulnerable individuals;

iv. Employees covered by a federal or state statute, regulation, or order requiring drug testing of prospective County employees for purposed of safety or security;

v. Employees covered by a contract between the federal government and the County or any grant of financial assistance from the federal government to the County that requires drug testing of prospective employees as a condition of receiving the contract or grant; or

vi. Applicants for County employment when a valid collective bargaining agreement specifically addressing pre-employment drug testing of applicants is in effect.

c. The County Executive is authorized to promulgate rules by executive order for the administrative implementation of this subsection.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

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Chief Deputy County Counselor    County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5671 introduced on September 26, 2022, was duly passed on October 3, 2022 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 1

Abstaining 0 Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5671.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive