



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

**OFFICE OF THE DIRECTOR**  
1509 West Seventh Street, Suite 401  
Post Office Box 3278  
Little Rock, Arkansas 72203-3278  
Phone: (501) 682-2242  
Fax: (501) 682-1029  
<http://www.state.ar.us/dfa>

November 3, 2010

Paul Halverson  
Director and State Health Officer  
Arkansas Department of Health  
4815 West Markham Street  
Little Rock, Ark., 72205-3867

Dear Mr. Halverson,

Based on the information presented in your correspondence, dated October 20, 2010, the following determinations have been made:

Due to the required level of travel and the responsibilities assigned, a waiver under Sec. 5, Paragraph C, of Executive Order 10-14, regarding the status designation of commuter has been granted to the following positions:

Director, State Health Officer  
Arkansas Milk Program  
Environmental Health Branch Chief

Additionally, a waiver under Sec. 4 of Executive Order 10-14 allowing the operation of a State vehicle without either red Official Business Only license plates or official seal has been granted for the vehicle(s) assigned to the following position(s):

Arkansas Milk Program

Please be aware that, under Section 4 of Executive Order 10-14, all vehicles must carry red, Official Business Only license plates and each must carry the official seal of either the State or your agency. Unless otherwise stated, this requirement applies to vehicles assigned to employees operating under a status designation of commuter.

Please also be aware that, under Section 3 of Executive Order 10-14, all vehicles not assigned to individual employees must be pooled, made available to any authorized employee and must remain on State property when not in use.

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# Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Mike Beebe

Paul K. Halverson, DrPH, FACHE, Director and State Health Officer

October 20, 2010

Richard Weiss  
Director  
Department of Finance and Administration  
1509 West 7th  
Little Rock, AR 72201

RECEIVED  
2010 OCT 20 PM 3:34  
STATE DEPARTMENT OF HEALTH

Dear Mr. Weiss:

As you are aware, the Arkansas Department of Health (ADH) currently has 136 vehicles in our fleet and is hereby asking for consideration of waivers covering three (3) vehicles. Our review indicates waivers covering "Regular Travel Status" are in effect and as such, are not addressed here.

The Arkansas Department of Health requests waivers for the following vehicles as relates to Executive Order 10-14. These waivers permit assignment of a state vehicle for response after normal business hours, commuting and or permitting the use of state vehicles without state or agency insignia and "Official Business Only" license plates. All of the employees for which these waivers are requested are on call at all times as part of the agency's continuity of operations plan for statewide emergencies and disaster recovery preparedness.

- 1) We are requesting a waiver as it relates to items 4 and 5B for a 2008 Dodge Charger – AR license plate: 611 NGL VIN: 4617. This vehicle is assigned to Paul K. Halverson, DrPH, FACHE, Director, State Health Officer, and Secretary to the Arkansas State Board of Health. Dr. Halverson, as Secretary for the Arkansas State Board of Health in accordance with Ark. Code Ann. § 20-7-110, § 17-38-201, as well as the Rules and Regulations Pertaining to Communicable Diseases, State and Federal Food Drug and Cosmetic Acts, is charged with responsibility to act for the Arkansas State Board of Health in emergency response to quarantine and isolation of humans and foods coming in and leaving the State of Arkansas. Further, in accordance with the National Response Plan and the Public Health Services Act, the Director and State Health Officer is charged with the responsibility to implement and coordinate Emergency Support Function #8, which requires the State to respond to a public health and medical disaster, potential or actual incidents requiring a coordinated Federal response, and/or during a developing all

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potential health and medical emergency in the State of Arkansas. In the event of a public health emergency/disaster he will respond to the State Emergency Operations Center, or to the disaster site alongside the Governor. In accordance with all of the above state and federal laws, Dr. Halverson as the State Health Officer, is required to do everything possible to assist citizens of the State of Arkansas in the event of a public health emergency. This vehicle is unmarked due to risks associated with his role related to public health, quarantine, isolation and security issues. Access and availability of a vehicle is key to meeting the immediate response capability critical for the adequate performance of his job.

- 2) We are also requesting a waiver as it relates to items 4, 5A and 5B for a 2009 Dodge Durango – AR license plate: 794 NSL, VIN: 2960. This vehicle is assigned to Sandra Lancaster, Arkansas Milk Program. This employee inspects and provides supervision of 125 dairy farms quarterly and all three fluid milk Grade A dairy plants in the state once per month and five processing facilities quarterly. Statewide inspections and sampling responsibilities as well as frequent overnight travel are also required. Milk is a vital part of the food supply and requires protection under both State and Federal laws pursuant to the Food Drug and Cosmetic Acts. Ms. Lancaster is required to respond when needed at all hours of the day for sample collection, sealing of equipment, and/or inspections as needed to preserve industry viability and insure product safety and reliability. This vehicle is used in federally required surveys across the state within all aspects of the program. Ark. Code Ann. § 20-59-406 provides vehicles purchased with milk inspection fee funds or assigned to the Arkansas Grade "A" milk program shall be at the disposal of personnel of the Arkansas Grade "A" milk program, provided in case of emergency or natural disaster that the motor vehicles may be used at the discretion of the Director of the Division of Sanitarian Services. (b) Motor vehicles purchased with monies from the Milk Inspection Fees Fund shall not be loaned, transferred, or assigned to any other state agency on a permanent basis. In addition, the request to remain unmarked is necessary to complete unannounced inspections. In order to satisfy the state and federal requirements of the Food Drug and Cosmetic Act, personnel require transportation into remote areas in order to conduct inspections. Marked vehicles are easily identified and communicated to dairy farms making unannounced visits impossible. Upon advice from the U. S. Food and Drug Administration, unmarked vehicles are necessary and announced visits lead to biased results and jeopardize objective scientific surveys and could impact the industry's ability to ship product.
- 3) We are requesting a waiver as it relates to items 5A, 5B, and 5C for a 2009 Chevrolet Equinox – license plate: 952 LHM, VIN: 2656. This vehicle is

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assigned to J. Terry Paul, Environmental Health Branch Chief. This employee has a unique blend of reasons to justify assignment of a state vehicle under Section 5 of Executive Order 10-14. Mr. Paul must respond to immediate requests requiring actions/decisions on environmental problems or issues with the assigned vehicle. Due to statewide program responsibilities, Mr. Paul often works and/or travels outside the normal business hours. He meets onsite with individuals to resolve all types of environmental issues regulated by the Department. He has programmatic and administrative authority over five Regional Environmental Leaders stationed in various parts of the state, including Batesville, Texarkana, Monticello, Fayetteville and Little Rock. He has direct program authority over all environmental programs located within the Department. Travel to and into the various regions of the state is required to satisfactorily manage and deal with agency issues and problems as they develop. Recently, he has been requested to increase his presence in the field offices, and is expected to spend 60% of his time around the state improving environmental health programs for the Department. He is also required to report to the state health department facility or any location within the state in the event of an environmental emergency. He reports directly to the Center Director for Local Public Health, Incident Commander, or Director of the Department as the situation warrants. He is on-call at anytime day and night. The vehicle is clearly marked and identifiable.

The ADH has undergone an extensive review of its total vehicle fleet and is in the process of reassigning vehicles to pools that will be utilized by field personnel or program staff. Employees assigned vehicles under the authority of 5A – Regular Travel Status will remain limited in scope.

If I can provide any further information, or provide clarification, please contact me at 501.280-4545. Your approval of this waiver request will be greatly appreciated.

Sincerely,



Mary P. Leath

Deputy Director for Administration

cc: Dr. Paul Halverson, Director  
Bob Bennett, CFO