

ORDINANCE NO. 2024 - 02

AN ORDINANCE AMENDING THE SEARCY EMPLOYEE HANDBOOK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Arkansas Legislature requires that the City of Searcy, Arkansas, adopt the Searcy Employee Handbook as the official statement of the employment policy of the City of Searcy, Arkansas; and

WHEREAS, the City Council for the City of Searcy, Arkansas, has reviewed the Employee Handbook, and the related changes and additions thereto, and has determined that the Employee Handbook correctly reflects the statements of employee policy of the City of Searcy, Arkansas; and

WHEREAS, the City Council for the City of Searcy, Arkansas, recognizes that a portion of the Employee Handbook should be revise.

NOW, THEREFORE, be it ordained by the Searcy City Council, that:

Section 1. That portions of Section 3 BENEFITS shall be amended to read:

3.1 SICK LEAVE

All full-time law enforcement officers accrue sick leave at the rate of 160 hours per year. No sick leave may be taken until after completion of three (3) months of employment. Unused sick leave accumulates to no more than 720 hours. Time off will be charged only for those days that an officer is off when he/she was otherwise scheduled to work. If an officer either dies while employed or retires from the City's employ, the officer will be paid for unused sick leave at the regular rate of pay in effect at the time paid for the hours accrued, but in no event more than 720 hours. If an officer leaves the City's employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

All full-time firefighters, who work a 24-hour shift, accrue sick leave at the rate of 240 hours per year. The fire chief, assistant chief, training officer, fire inspector and any fire fighters who work an 8-hour shift will accrue sick leave at the rate of 80 hours per year. No sick leave may be taken until after the completion of three (3) months of employment. Unused sick leave accumulates to a maximum of 1,440 hours. Time off will be charged only for those days that a firefighter is off when he/she was otherwise scheduled to work. If a firefighter either dies while employed or retires from the City's employ, a firefighter will be paid for unused sick leave at their regular rate of pay in effect at the time paid for the hours accrued, but in no event more than four and one-half months' salary. If a firefighter leaves the City's employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

All full-time, non-uniformed employees accrue sick leave at the rate of 64 hours per year. No sick leave may be taken until after completion of three (3) months of employment.

Unused sick leave accumulates to a maximum of 480 hours. If an employee either dies while employed or retires from the City's employ, the employee will be paid for unused sick leave at the regular rate of pay in effect at the time paid. If an employee leaves the City's employment for reasons other than death or retirement, then no compensation for unused sick leave will be paid.

An employee should promptly notify his or her immediate supervisor when it is apparent that the employee will miss a work shift due to illness. Verification from a physician may be required. Verification should always be provided when an absence immediately precedes or follows vacation or a holiday.

A return-to-work clearance from your physician may also be required, particularly when there is a concern for your health and safety or for the health and safety of co-workers. It is the employee's responsibility to provide medical verifications when requested to do so by a supervisor or the director of human resources.

Sick leave may be used for the employee or their immediate family for illness or injury, as well as for medical, rehabilitative, dental, optical or mental health appointments or treatments. Immediate family includes the following: parents, grandparents, spouse, brother, sister, child, grandchild, mother-in-law, father-in-law, step-parents, step-children, foster children or any relative living in the employee's household.

Employees who are absent from work for sick leave and FMLA leave are prohibited from working outside employment, unless permission is otherwise obtained in writing from the City.

Sick leave may be extended under the FMLA and under the provisions of the Americans with Disabilities Act. Leave without pay may be granted on a case-by-case basis.

SICK SHARE POLICY: City of Searcy employees may share sick time with another City of Searcy employee who is off work due to a catastrophic event and has expired all of his/her available compensable time. Employees may donate time as long as the donated time doesn't cause the donor's sick time to fall below 120 hours. In the event that an employee suffers a catastrophic event, expires all compensable time, has been employed with the City of Searcy for a minimum of 90 days, and is in need of more time off that would qualify for sick time according to the City's sick time policy, the employee shall make a request to his/her supervisor and the supervisor shall notify the Human Resource Manager of the need for a donation of sick time. The Human Resource Manager will then notify the Sick Share Committee (HR Manager, two department heads, and two employees) of the request for review. Employees can offer their available sick time, in increments of 8 hours. Offers of donated time can be anonymous to the extent possible. Offers of donations will be accepted and transferred by the Human Resource Manager or the Payroll Clerk at the Human Resource Manager's direction. Donations will be made in no more than 24 hour increments and not exceed 3 months to prevent donations creating a usable balance past the immediate need. If more offers are received than are needed, the donations will be received in the order they were offered or at the Human Resource

Manager's discretion. Sick time donations will be reviewed again after 2 months of leave and will not exceed 3 months unless approved by the Sick Share Committee. For all donations, one hour of sick time will equal one hour of sick time regardless of the rate of pay of the donor and the recipient.

3.9 HOLIDAYS

The Holidays observed by the City of Searcy, Arkansas, shall be as set forth in the City of Searcy Employee Handbook, as may be amended from time to time and shall include, but not be limited to: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, the Employee's Birthday, Veteran's Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, Christmas Eve, December 26th if that day should fall on a Friday.

Except as hereinafter provided, all fulltime employees of the City of Searcy, Arkansas shall be paid at their regular rate of pay for an eight-hour day for each of the legal holidays listed above. Each member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be granted one compensatory day off for each legal holiday listed above, regardless of whether such employee actually works on such day. Scheduling of such compensatory day shall be accomplished by the Police Chief and Fire Chief as soon as reasonably practicable after the occurrence of such holiday. In the event that the scheduling of compensatory days is not practicable or otherwise at the election of the respective department heads in the Police Department and Fire Department, each such member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be paid their base rate of pay for an eight hour period of time for each such holiday for which compensatory time is not granted: such payment for such holidays to be accomplished on December 15 in each year or in their hourly rate.

Should a holiday occur on an employee's scheduled vacation, the employee is permitted to take an extra day of vacation. Otherwise, in order to qualify for holiday, pay, employees must work the scheduled workday immediately before and after the holiday. Only excused absences will be considered exceptions to this policy. Employees are not eligible to receive holiday pay when on an unpaid leave of absence unless required by law.

3.11 WORK HOURS

Work hours for all non-uniformed employees shall be forty (40) hours per week which begin each Monday at 8 a.m. Subject to direction from the department head, additional work hours may be required or the work hours may be changed according to the needs of the City. Also, at the discretion of the department head, hours of work, days of work, and work assignments may be altered.

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for any hours worked in excess of 40 per work week. Exempt employees will be paid a guaranteed salary without deduction for quality or quantity of work or for absences of less than a full day.

Employees who are non-exempt from the overtime provisions of the Fair Labor Standard Act will be entitled to an overtime premium. Whenever a non-exempt employee is suffered or permitted to work more than 40 hours of work in a workweek, the employee will be entitled to an overtime premium at the rate of one and one-half (1 ½) the employee's regular rate of pay or compensatory time at the same rate. Anytime the employee will work more than 40 hours in a workweek, the employee is to obtain supervisor authorization. Whether or not the employee obtains supervisor authorization, the employee must report the hours worked in excess of 40 during any work week. There will be no hours worked by an employee that are not recorded and properly reported to the City of Searcy. All hours worked are subject to compensation and it is the City of Searcy's intention to properly record and pay for all hours worked.

Attendance at seminars and training programs is to be pre-approved by the City. If an employee is required to attend such a meeting at a location requiring travel or an overnight stay, the City will comply with the Fair Labor Standards Act for determining whether overtime pay or compensatory time off will be required.

Overtime premium pay may be made in the form of compensatory leave to the employee. An accurate record of compensatory pay will be maintained by the City, with the assistance of the employee. Employees are expected to monitor the compensatory leave time record at each pay period in which compensatory time accrues. The compensatory time records of the City shall be final and all compensatory time must be taken within the calendar year, unless otherwise authorized by the Human Resources Manager. Compensatory time should be scheduled in the same manner as vacation time. In the event the employee begins to accrue more than 40 hours (48 hours for fire fighters) compensatory time, the City at its discretion may require the employee to submit a plan for reducing the number of compensatory hours.

The City of Searcy elects the 7k exemption under the Fair Labor Standards Act for law enforcement personnel to be scheduled to work up to 171 hours in a 28-day work period prior to earning overtime compensation. The City of Searcy elects the 7k exemptions for firefighters to be scheduled to work up to 212 hours in a 28-day work period prior to earning overtime compensation. Hours of work shifts for police and fire employees will be in accordance with state statutes, federal law, and will be set by the Police Chief and Fire Chief, subject to the direction and approval of the Mayor.

3.12 CALL BACK PAY

It is the policy of the City of Searcy to pay non-uniformed hourly employees a minimum of 2 hours pay when he/she is called to work after having clocked out and left work upon completing the scheduled work day, or after the normal working hours of an employee off work on compensable time (such as vacation). If the employee works more than 2 hours, he/she will be paid for all time worked. If the employee works less than 2 hours during the call back, the time will be reported as "call back worked" and "call back non-worked". This will ensure that the employee is paid time and a half for any and all hours **worked** over 40 hours in that week. Call back non-worked hours will be paid at the employee's

regular rate of pay. Once an employee is called back, he/she is ensured 2 hours of pay and thus puts him/her on the City's time for 2 hours from the time of the call back. If the employee works less than 2 hours, returns home and then is called back again and completes work before the 2 hours of City's time is up, he/she will be paid for a total of 2 hours divided into "call back worked" and "call back non-worked". If the employee works past the 2-hour block of "City's time" on a second or more call back, he/she will be paid an additional 2 hours for the successive call back. Time will still be reported and paid as "call back worked" and "call back non-worked" to a total of 4 hours.

Section 2. The City Clerk-Recorder is directed to notify all employees of the City of Searcy of this change to the Employee Handbook by copy hereof and to amend portions of Section 3 Benefits of the Employee Handbook kept and maintained by the City of Searcy.

Section 3. That all resolutions, codes, ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That nothing in this ordinance or in the City of Searcy Employee Handbook hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed by the act of the adoption of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the Searcy City Clerk-Treasurer shall certify to the adoption of this ordinance, and cause the same to be published as required by law.

Section 6. Nothing in this ordinance or the City of Searcy Employee Handbook shall be construed as constituting an employment contract or as altering, modifying or affecting the "at-will" employment relationship between the City of Searcy and any employee of the City of Searcy.

EMERGENCY CLAUSE. The need to ensure the continued employment relationship of all employees of the City of Searcy, Arkansas, being manifest, the City Council for the City of Searcy, Arkansas, finds that an emergency exists and that the provisions of this ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this 9th day of January, 2024.

/s/ Mat Faulkner
Mayor of Searcy

Attest:

/s/ Jerry Morris
City Clerk