

ORDINANCE NO. 2018 - 35

**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 revised;

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

Section 1. That Section 3.9 – Holidays – of the Employee Handbook should be deleted and restated to provide:

“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 shall not be limited to: New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Independence Day, Labor Day, 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, and the Employee’s Birthday.

Except as hereinafter provided, all full-time 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 full-time 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 your scheduled vacation, you are permitted to take an extra day of vacation. Otherwise, in order to qualify for holiday pay, you must work the scheduled workday immediately before and after the holiday. Only excused absences will be considered exceptions to this policy. You are not eligible to receive holiday pay when you are on an unpaid leave of absence unless required by law.”

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 replace said Section 3.9 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 11th day of December, 2018.

/s/ David Morris
Mayor of Searcy

Attest:

/s/ Jerry Morris
City Clerk