

ORDINANCE NO. 2017 - 34

**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 to permit certain employees of the City of Searcy certain sick benefits;

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

Section 1. That Section 3.1 – Sick Leave – of the Employee Handbook should be deleted and restated to provide:

“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."

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 3.1 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 12th day of December, 2017.

/s/ David Morris
Mayor of Searcy

Attest:

/s/ Jerry Morris
City Clerk