

ORDINANCE: NO. 0-00-130

AN ORDINANCE AMENDING ORDINANCE NO. 0-00-73 AND NO. 0-00-55, WHICH ADOPTED AN EMPLOYEE HANDBOOK AND PERSONNEL POLICY FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council has adopted, pursuant to Ordinance No. 0-00-55, a handbook to be used for personnel matters for the City; and

WHEREAS, the City Council has adopted, pursuant to Ordinance No. 0-00-73, certain revisions made in order to correct typographical errors and to make substantive changes in the handbook;

WHEREAS, certain revisions have again been made in order to correct typographical errors and to correct, add, clarify or change certain language.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1: The following are the changes to specific pages of the handbook entitled, "Amended Employee Handbook, City of Conway, Personnel Policy", which shall read as follows:

Page 2, Paragraph 2; EMPLOYMENT AT WILL

All City employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time.

Page 13, Paragraph 2; FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-107)

Maximum Accrual: The maximum vacation time you can accrue and carry over to the next calendar year is 15 twenty-four hour days or 360 hours. When you reach this level, no more vacation accrues until your balance is below maximum. This is also the maximum amount of vacation you can receive in cash when you depart your employment.

Page 16, Paragraph 1; INFORMATION FOR ALL EMPLOYEES

When an employee is either hired into or transfers into a full-time position, he or she becomes eligible for sick time. There are specific rules and regulations regarding accruals, waiting periods and usage that are outlined in the sections below. Please refer to the section that affects your position for further information. In addition, your Department Head is responsible for administering Sick Time and may have specific rules and regulations for reporting sick time. You are responsible to obtain that information and follow your department's rules. Sick Time cannot be transferred or sold to another employee. Approved Sick Time can be used in the pay period after it is earned. You may not work in a secondary employment situation while on sick leave.

Page 16, #2; Usage of Sick Time

2. Illness in the immediate family which would require the employee to take care of the family member (s) . NOTE Immediate family is defined as spouse, child, grandchild, parent, sister, brother, grandparent, in-laws, or a person acting as parent or guardian of the employee.

Page 16; Maximum Accruals

Different classifications of jobs may have different accrual schedules such as for Police Officers and Firefighters in order to accommodate the **8** versus **24** hour work periods. The intent is to make the possibility for consecutive days off to be comparable. Refer to the section for your group below. Once you reach the maximum level, no more sick leave accrues until your balance is below maximum. When the account is below maximum, accruals will resume.

Page **17**; Coordination with Workers' Compensation

Disabled employees receiving disability payments from our Workers' Comp carrier may add to their disability wages by using Sick, Vacation, Administrative and Comp Time from their accounts. Under no circumstances can the total paid be more than the normal base wage. The Mayor may review requests for additional compensation in the case of life threatening, catastrophic injuries.

Page **18**; Use of Paid Time Off Benefits

Except for Workers' Compensation FMLA absences, you will be required to use your available Sick, Vacation, Administrative, and Comp Time during the **12** week FMLA. If you do not have enough paid leave time for duration of your FMLA, the remainder of the **12** weeks will be unpaid.

Page **18**; OTHER EMPLOYMENT

While off work on a FMLA absence, you are prohibited from working for another employer.

Page **20**; ANNUAL MILITARY TRAINING

In accordance with A.C.A. **21-4-1102** and A.C.A. **21-4-212**, employees who are members of the National Guard or any of the reserve branches of the armed forces will be paid their regular base wage for annual training requirements. The military training leave will be limited to fifteen **(15)** eight **(8)** hour workdays plus necessary travel. If any of the **15** days is not used during the calendar year, those unused days can be carried over to the next year with a maximum days available in any calendar year to be thirty **(30)** eight **(8)** hour workdays.

Page **20**; PAY WHILE ON WORKERS' COMPENSATION

If as a result of an on-the-job injury a physician places you off work, you will receive pay from the City for the first week of lost work (53 hr. for Firefighters, **40** hr. for all others). If you remain off work at the written instruction of your physician for more than **7** days, our Workers' Compensation Insurance carrier will determine what disability payments are due and will make those payments to you directly. Since disability payments are typically less than your regular daily and/or weekly wages, you may add to these disability wages by using paid leave from your leave accounts (Sick, Vacation, Administrative and Comp Time). Under no circumstances can the total paid be more than the normal base wages. If you are off work for more than 3 days, you will also be placed on Family Medical Leave. Refer to that section for more information.

Page **28**, Paragraph 1; PAYDAYS

Paycycles: The City pays employees on a two week cycle. The typical payroll period begins at **12:00** am (Midnight) Sunday and ends fourteen days later on **12:00** am (Midnight) Saturday. The Fire Dept. payroll period begins at **7** am Sunday. Paydays are

every other Friday after the end of the payroll cycle. In the event that a regularly scheduled payday falls on a day off such as a holiday, every effort will be made to ensure that employees will receive pay on the last day of work before the regularly scheduled payday. Pay advances on unearned wages to employees are not allowed.

Page 28, Paragraph 6; OVERTIME/COMP TIME

Emergency Call Outs and/or Off Duty Court Duty. Nonexempt employees who are called out for emergency work or for required off-duty Court duty will be eligible for Overtime Pay or Compensatory Time for the period of time worked during the emergency or at Court even if they have not physically worked their standard work period. The Department Head is responsible for scheduling and managing required emergency work and Court appearances.

Page 29, Paragraph 3; OVERTIME/COMP TIME

The City of Conway has a goal of keeping Comp Time balances at a minimum. Therefore, whenever an employee's balance approaches **100** hours (or **140** for Firefighters), the employee is required to submit a request for time off indicating the first, second and third choice of dates during the next month. If no request is received, the Department Head will schedule the employee off on Comp Time.

Page 36; OUTSIDE EMPLOYMENT OR MOONLIGHTING (Paragraph 3 is added)

You may not work in a secondary employment situation while on sick leave or FMLA.

SECTION 2: These amended pages shall be adopted and included in the document entitled "Amended Employee Handbook, City of Conway, Personnel Policy." Three **(3)** copies of the corrected and revised Employee Handbook, City of Conway, Personnel Policy shall be and are hereafter kept on file in the Office of the Clerk/Treasurer. Further, employees shall be provided copies of the changes and additions set out herein.

SECTION 3: Should any provision contained in the Amended Employee Handbook, City of Conway, Personnel Policy, conflict with any rule or regulation adopted by the Civil Service Commission pursuant to Arkansas Code Annotated **§14-51-301**, Civil Service Commission Rules and Regulations shall take precedence.

SECTION 4: That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 5: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, specifically, it is essential that the expectations and obligations of city employees be effective immediately and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED THIS 3rd Day of October 2000.

Approved:



MAYOR

Attest:



CITY CLERK