

**RESOLUTION NO. 2015-08-\_\_R**

**A RESOLUTION AMENDING THE PERSONNEL HANDBOOK FOR THE CITY OF TONTITOWN, ARKANSAS.**

**WHEREAS**, the Personnel Handbook for the city of Tontitown, Arkansas (the "Handbook"), was originally adopted by Resolution No. 2013-06-433R and was amended by Resolution No. 2014-12-494R; and

**WHEREAS**, the City Council of the city of Tontitown, Arkansas, has determined that certain further amendments need to be made to the Handbook; and

**WHEREAS**, the City Council has the authority to establish the number of hours a city employee must work to be considered a full-time employee.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the city of Tontitown, Arkansas:

Section 1: That thirty-two (32) hours shall be the minimum hourly requirement for full-time employment with the city.

Section 2: That the definition of a full-time employee, found in Section 1.3 of the Handbook, is amended to read as follows:

"FULL-TIME EMPLOYEE – An employee of the city of Tontitown, Arkansas, who is regularly scheduled to work in a position that has daily, weekly, and monthly hours of at least thirty-two (32) hours per week will be considered a full-time employee."

Section 3: That Section 5.1.2 of the Handbook is amended by its repeal and by the substitution of the revised Section 5.1.2, attached hereto as Exhibit "A" and incorporated herein as if written out in full.

Section 4: That Section 5.4.2 is amended by its repeal and by the substitution of the revised Section 5.4.2, attached hereto as Exhibit "B" and incorporated herein as if written out in full.

**PASSED AND APPROVED** this 11th day of August, 2015.

\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

\_\_\_\_\_  
ALICIA COLLINS, City Clerk-Recorder

## CHAPTER 1

### GENERAL POLICIES

#### 1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures which are necessary to implement and administer the City's personnel system. By adopting this Handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

#### 1.2 SCOPE

All employees of the City of Tontitown are subject to the application of the personnel policies and procedures described in this Handbook.

#### 1.3 DEFINITIONS

**EMPLOYEE**-An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

**EXEMPT EMPLOYEE**-Employee who is not eligible for overtime as defined by the Fair Labor Standards Act.

**FULL-TIME EMPLOYEE**-Employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by the City Council for full-time work of at least 32 hours per week will be considered by the City Council to be a full-time employee.

**NON-EXEMPT EMPLOYEE**-Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

**OVERTIME**-Hours worked in excess of 40 hours during a regular work week.

**DEPARTMENT HEAD**-Person so designated as the head of any city department.

**PART-TIME EMPLOYEE**-Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

**SUPERVISOR**-Person who has been designated to oversee other employees in a department.

**TEMPORARY EMPLOYEE**-an employee hired for an intermittent or specified period of time, for a season for a job of limited duration or for a non-recurring work project.

**WORK WEEK**-Seven (7) day period beginning at 12:00 a.m. on Sunday, except for police officers and any other employees specifically excluded from this provision by the terms of this Handbook.

#### 1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

Since personnel practices and procedures are in a constant state of change, the City will continuously review this Handbook for amendments or revisions which might better serve the needs of the City and its employees. As such, this Handbook has been designed to be routinely updated and amended as the need arises.

### 5.1.2 VACATION TIME FOR NON-UNIFORMED EMPLOYEES

Full-time employees **working at least 40 hours per week and** with less than 7 years of service shall accrue vacation leave at the rate of 6.664 hours/month (80 hours/year) of working service. **Full-time employees scheduled to work less than 40 hours per week will accrue vacation leave at the rate of 6.664 multiplied by regularly scheduled weekly hours, divided by 40 hours, for the same pay period.** Full-time employees with over 7 years of service shall accrue vacation leave at the rate of 10hours/month (120 hours/year) of working service. **Full-time employees with over 7 years of service working less than 40 hours per week shall accrue vacation at the rate of 10 hours per month multiplied by their regularly scheduled weekly hours, divided by 40 for the same pay period.** Neither part-time nor temporary employees shall accrue vacation time.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than forty (40) vacation hours may be carried over **as of December 31<sup>st</sup> of each year. over six (6) months past the anniversary date without prior written approval of the department head.** Accrued vacation days not taken within this time period will be deemed ~~used~~ **forfeited**.

To the extent it differs from the procedure set forth herein, the uniformed employees of the Police Department shall accrue vacation hours in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

Policies concerning vacation time for non-uniformed employees in no way alter the City of Tontitown's at-will employment policy as described in this Personnel Handbook.

### 5.1.3 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such a time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits in to the overall scheduling of the department **with priority given to those with seniority.** Employees should notify their department heads at least 7 days in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed determined by the department head based upon departmental workloads. The City reserves the right to alter vacation schedules.

Maximum vacation leave to be taken at any one time is (15) days, unless advance approval is granted.

If a City-observed holiday occurs within an employee's vacation period, equivalent time off with pay will be provided, or at the employee's request the employee's vacation may be extended for one (1) additional working day.

## 5.2 HOLIDAYS AND HOLIDAY PAY

The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the State of Arkansas.

## 5.4.2 NON-UNIFORMED EMPLOYEES

The City of Tontitown recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Tontitown provides paid sick leave to full-time employees. **Eligible employees Full-time employees working 40 hours per week** accrue sick leave at the rate of eight hours per month. **Full-time employees not working 40 hours per week shall accrue sick leave at the rate of 8 hours per month multiplied by their regularly scheduled weekly hours divided by 40, per month.**

Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of thirty (30) days.

An employee may be eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury or death in the employee's immediate family which require the employee's presence. Immediate family includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
- Necessity of medical or dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certificate of release to the department head before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the City.

## 5.4.3 SICK LEAVE BANK Participation

All full-time city employees who have full benefits are allowed to participate in the Sick Leave Bank after declaring their intention to participate and donate at least eight (8) accumulated hours of leave to the bank by January 15 of the calendar year (new hires are allowed to join 30 days after getting full benefits, which is 90 days, for a total of 120 days, including existing employees 30 days from inception of ordinance). Such declaration and contribution shall be made on a Sick Leave Bank Form.

### Governance

The Sick Leave Bank is governed by the Mayor, Recorder/Treasurer, and one full time employee elected in an election run by the Police Chief. Any request for leave from the Sick Leave Bank must be requested from the committee on a Sick Leave Bank request form. This committee shall approve or disapprove requests based on individual situations and documentation. The Committee may review employee records and documentation.