

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF MONROE,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 191

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING THE MONROE COUNTY
EMPLOYMENT POLICY, ADOPTING A MODEL POLICY FOR "AT-WILL" COUNTY
EMPLOYMENT, AND FOR OTHER PURPOSES.

Section 1: The Monroe County Quorum Court hereby establishes
a written, comprehensive employment policy to familiarize the
employees with the County's employee policies.

Section 2: The general policy of Monroe County is to treat
all employees and citizens in a manner that is rationally related
to the effectuation of legitimate County objectives. To that end
the Quorum Court hereby adopts a model policy for "at-will" County
employment.

Section 3: The "Monroe County Employment Policy" is hereby
enacted and ordained by reference. A copy of the said Policy shall
be filed in the County Clerk's office and available for inspection
and copying during ordinary business hours.

Approved this 13th day of
December, 1993.

Tom Catlett
TOM CATLETT,
County Judge

ATTEST:

Janet Tweedle
JANET TWEEDLE,
County Clerk

(SEAL)

Proposed by Justice Kelley.

MONROE COUNTY EMPLOYMENT POLICY

1. PURPOSE

The purpose of this document is to familiarize the employee with the County's employee policies. Nothing herein creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

2. GENERAL COUNTY POLICY

The general policy of the County is to treat all employees and citizens in a manner that is rationally related to the effectuation of legitimate County objectives.

3. COUNTY EMPLOYMENT POLICY

A. **At-Will Employment:** All County employees are "at-will" employees. County employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. If, notwithstanding this document, any employee contends that he or she has a property right in his or her employment or a substantial expectancy of continued employment (express, implied, written, or oral) until "just cause" exists for reduction or removal in pay or position, then that employee shall assert such contention at a "property right" grievance hearing requested in the time and manner set forth in this policy. It is the County's policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and the administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.

B. **Conditions of Employment:** 1. County Employees and officials shall display loyalty, support and complicity with instructions and regulations promulgated by the State, Quorum Court and/or administrative officials in authority.

2. County employees and officials shall not solicit donations for personal gain or gifts from citizens or suppliers.

3. County employees and officials shall not display prejudice against persons or organizations.

4. County employees shall be at least eighteen (18) years of age except in those cases where the County wishes to participate in special youth training and summer programs.

5. County employees and officials shall possess a Social Security Number.

C. **Work Requirements:** 1. The County's standard work week shall be forty (40) hours consisting of five (5) standard work days.

2. Each standard work day shall be from 8:00 a.m. until 4:30 p.m. for Courthouse employees, and from 7:00 a.m. until 3:30 p.m. for County Road employees.

3. The County's standard work week for uniformed Sheriff's office employees shall be eight (8) hours per day for five (5) days per week. Sheriff's employees shall be on call at all times.

4. County employees shall receive one (1) fifteen (15) minute break in the morning and afternoon. Lunch and rest breaks shall be determined by the Elected Official. County offices shall be closed from 12:00 noon until 12:30 p.m. only.

5. Road employees shall receive a 1/2 hour lunch break.

6. The County's policy on overtime shall be as follows:

a. Hourly employees will be paid overtime at one and one half times the regular pay rate. Overtime applies to all hours worked in excess of the forty hour work week. No overtime hours shall be accrued without prior approval from the County Judge.

b. Salaried employees shall be paid for overtime through compensatory time-off. Such employees shall not carry a balance of more than sixty (60) hours of unused compensatory time. Such compensatory time shall be used before annual leave time. Salaried employees shall not be granted compensatory time and receive pay for the same hours of overtime.

c. County employees shall not be eligible to receive double time.

d. All Officials must report absent employees to the County Judge. The County Judge shall keep a record of all employee's absenteeism.

D. Employee Compensation and Fringe Benefits: 1. The County's policy shall be to pay salaries and benefits based on the employee's level of skill, responsibility, education, and experience. Such salaries and benefits shall also depend on funds available. The County shall strive to provide a cost of living increase each year to all full-time salaried positions. However, any increase in compensation shall be subject to the availability of funds and approval of the Quorum Court.

2. The County's pay period will be on the 15th and last day of each month.

3. The County shall purchase uniforms for special assignment employees that require them, upon recommendation and approval of the Quorum Court. The uniforms shall be the property of the County.

E. Vacations: 1. Permanent, full-time employees shall be eligible for paid vacations based on the following formula: Employees with less than 3 years of continuous service shall accrue vacation at the rate of four (4) hours per month. Employees with 3 years or more of continuous service shall accrue vacation at the rate of eight (8) hours per month. Continuous service is defined as uninterrupted employment while working as a regular, full-time employee.

2. Temporary and part-time employees shall not be eligible for paid vacations.

3. County employee vacations shall be scheduled so that it does not disturb normal department or office operating efficiency. County officials and/or supervisors in charge shall arrange vacations to conform with office or department schedules, and shall insure that employees remaining on duty are familiar with vacationing employee's regular tasks.

4. County employee vacation time shall not accrue over ninety-six (96) days. Unused vacation time over 96 days shall be forfeited. Vacation time shall not be exchanged for cash.

5. The County shall allow additional day or days of vacation, if an observed holiday falls within a vacation period.

6. Employees terminating their service with the County shall receive compensation for accrued vacation days unless no proper notice of resignation has been given or their dismissal is for cause. Employees will be compensated at their current wage rate for any unused vacation days.

F. Holidays: 1. Holidays shall be observed on the same days as observed by the Arkansas State Government or as follows:

New Years Day - January 1
Martin Luther King, Jr./Robert E. Lee Birthday - 3rd Monday in
January
Presidents Day - 3rd Monday in February
Memorial Day - Last Monday in May
Fourth of July - July 4
Labor Day - 1st Monday in September
Veterans Day - November 11
Thanksgiving Day - 4th Thursday in November
Employee's Birthday
Christmas Eve - December 24
Christmas Day - December 25

2. County employees working on recognized holidays shall receive time and a half plus regular compensatory time for hours worked.

3. Only full-time employees shall be eligible to receive official holidays with pay. Seasonal and part-time employees are not eligible.

G. Medical Leave: 1. Permanent full-time employees shall receive paid sick leave if their absence is due to personal illness or injury. Such compensation shall be provided for the duration of such absence, but shall not exceed accrued sick leave and provided:

a. Employee has not been terminated;

b. The illness or injury is not attributed to intentional self-inflicted injury, drug or intoxicant addition, incurred while committing a felony, or resulting from paid employment of any kind other than County; and

c. Employee must provide a doctor's verification for any illness or injury lasting more than three (3) days, and may be required to provide a doctor's verification for any illness or injury lasting less than three (3) days at the request of the County.

2. Sick leave for permanent full-time employee's shall accrue at the rate of four (4) hours per month, not to exceed forty-eight (48) hours per calendar year. Sick leave compensation shall be paid at the rate of the employee's regular base salary, exclusive of overtime wages, immediately preceding the absence. Compensation payable during sick leave shall be reduced by any amounts payable in lieu of employee compensation, due to such absence, under Arkansas Workers' Compensation Laws. Employees shall not be paid for unused sick leave. Seasonal and part-time employees shall not accrue paid sick leave.

H. Other Leave Policies: 1. Jury or Witness Leave. County employees may be excused from work with pay without charging it to earned leave if said employee is subpoenaed as a witness or jury member in a court action. This policy shall not apply if the employee is personally involved in the suit or litigation.

2. Military Leave. Leave for temporary military training shall be counted against earned vacation time or leave without pay. Emergency military call-ups are subject to the U. S. Selective Service Code for guaranteed reinstatement if call-up does not exceed eighteen (18) months. All Military leave is considered leave without pay.

3. Extended Family and Medical Leave. Under the Family and Medical Leave Act of 1993 as enforced by the U. S. Department of Labor, all permanent full-time employees shall have up to twelve (12) weeks of unpaid, job-protected leave for certain family and medical reasons, provided the employee has worked for the County for at least one year of continuous service immediately prior to the election to take extended leave, and provided the employee meets the following requirements:

a. The unpaid extended leave is (1) for the care for the employee's child after birth, or placement for adoption or foster care; (2) for the care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or (3) for a serious health condition that makes the employee unable to perform his or her job.

b. The employee shall provide 30 days advance notice when the leave is foreseeable.

c. The employee shall provide medical certification in the case of a serious health condition.

d. The employee shall provide a fitness for duty report in order to return to work.

4. Family Death. Permanent full-time employees shall receive an allowance not to exceed two (2) days with pay in the event of the death to a member of the immediate family who was either the employee's husband, wife, father, mother, son, daughter, brother, sister, mother-in-law or father-in-law.

I. Personnel Practices: 1. The County's policy shall be to consider it the responsibility of the employee, official and/or supervisor in charge and the County Judge to maintain an open line of communication regarding personnel policies.

2. County employees shall be evaluated for promotion and/or salary increases by the County Judge and the Quorum Court upon recommendation of the immediate supervisor or official in charge. Salary increases shall be dependent on County budget funds available and Quorum Court approval.

3. The County shall attempt, whenever possible, to make all advancements and promotions from within the existing County organization.

4. As provided by ordinance, no County Official or supervisor with authority to hire shall employ any relative within the second degree of consanguinity.

J. Personal Conduct: 1. Employees shall be expected to report to work on time and to be diligent in the performance of their duties.

2. Employees shall not grant any special consideration, treatment or advantage to citizens, individuals or groups beyond that which is available to every other citizen, individual or group.

3. Employees shall not engage in such outside activities that prove to be incompatible with assigned duties, bring discredit upon the County, or give them an advantage over persons working in similar vocations.

4. Employees shall not use County supplies, facilities, or vehicles for purposes other than County business.

5. Employees shall exercise care in the use of County property and equipment.

6. Employees shall not use official positions to secure special privileges or exemptions for themselves or others.

7. The County shall require secrecy with regard to information obtained from records and confidential material acquired in the course of duty, subject to the requirements of the Arkansas Freedom of Information Act.

K. Travel Policy: The County shall reimburse travel expense at the rate of twenty-two cents (\$.22) per mile provided prior approval is secured from the official and/or supervisor in charge, and meals not to exceed \$7.50 per meal per person.

4. CONSTITUTIONALLY PROTECTED CONDUCT

Should any applicant or employee contend that he or she has been unlawfully discriminated against for exercising a constitutionally protected liberty right (e.g. speech, association, political patronage, access to courts, or privacy) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall assert such contention at a "liberty right" grievance hearing requested in the time and manner set forth in this document.

5. HIRING AND PROMOTING

The at-will employment policy applies equally to hiring and promoting. Nothing herein shall create a property right in employment, entitlement to be hired or promoted, or an expectancy of continued employment. Nothing herein establishes grounds upon which hiring or promoting must be based.

6. EMPLOYEE BENEFITS

Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

7. EMPLOYEE GRIEVANCE HEARING

The purpose of this Employee Grievance Hearing policy is to establish a required procedure to resolve employee grievances, subject to the availability conditions below:

A. Availability of Property Right Hearings:

1. At-will employment may be terminated by either the County or the employee at any time, without prior notice, without cause, and without any property right hearing.

2. Any claim that any employee has a constitutionally protected property right in employment, entitling the employee to continued employment until "just cause" for discipline or dismissal is proved by the County at a predeprivation hearing, must be timely asserted in writing by the affected employee in accordance with this Employee Grievance Hearing Procedure, or the property right claim will be waived by the employee.

B. Availability of Liberty Right Hearings:

Any claim that any employee discipline or employee dismissal is motivated by or due to the employee's exercise of a constitutionally protected "liberty right" or other constitutionally protected activity of the employee or is contrary to the public policy of Arkansas must be timely asserted in writing by the affected employee in accordance with this Employee Grievance Hearing Procedure, or it will be waived by the employee.

C. Availability of Name Clearing Hearings:

Any claim that any employee's liberty interest in future employment has been damaged as a result of any "stigmatizing charge" publicly communicated by the County must be timely asserted by the affected employee in accordance with this Employee Grievance Hearing Procedure, or it will be waived by the employee.

D. Availability of Hearings Generally:

1. A Grievance Hearing requested by an employee is not required to be held unless it is timely requested by the employee in the manner required by this Employee Grievance Hearing Procedure and required by the constitution or this policy.

2. Neither liberty rights nor property rights are created by this document.

3. The County may, in its discretion, hold a hearing prior to any decision or deprivation.

E. Timely Requests for Formal Grievance Hearing:

1. The employee must timely file a written Employee Grievance Hearing Request after any claimed deprivation of the employee's liberty or property, or any right of the employee to a hearing shall be waived.

2. An Employee Grievance Hearing Request should state:

- a. the grievance for which a hearing is requested;
- b. the factual basis of the grievance; and
- c. the relief sought by the employee.

3. The employee's written Employee Grievance Hearing Request shall be delivered to the County Grievance Committee in care of the County Judge no later than four-thirty o'clock (4:30) p.m. on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a grievance hearing is requested.

4. Any discipline or dismissal resulting in reduction or removal of pay or position shall automatically be a suspension with pay for three full business days (weekends and holidays excluded) or, if an employee timely requests a grievance hearing, until the day the County Grievance Committee renders its decision.

5. Legal representation for the employee may be acquired at the employee's discretion and expense.

6. The Grievance Committee shall respond in writing to all timely submitted Employee Grievance Hearing Requests stating:

- a. the time and place of the hearing, if the hearing request is granted, and
- b. the reason for denial, if the hearing request is denied.

F. Hearing Procedures:

1. HEARING RECORD:

Any hearing shall be reported by a court reporter (not merely a tape recorder) for transcription upon request by either the County or the employee, at the expense of the requesting party.

2. PROCEDURAL ISSUES:

At the hearing, and on the record, the employee shall suggest any desired hearing procedures and state any complaints regarding: a) the notice; b) the date, time or place of the hearing; c) the opportunity to refute fairly any charges; and d) the impartiality of the decision maker(s).

3. RULES OF PROCEDURE AND EVIDENCE:

Informal rules of procedure and evidence (Ark. Code Ann. S. 25-15-208) shall be followed:

- a. witnesses shall testify under oath;
- b. parties shall be allowed, at their own expense, to obtain and use legal counsel for representation;

c. parties shall be allowed to obtain and use the presence of witnesses for examination, cross-examination, and rebuttal; and

d. parties should be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.

8. COUNTY GRIEVANCE COMMITTEE

1. The County Grievance Committee for employees hired by the County Judge shall be the Quorum Court, but the decision of the Grievance Committee shall only be advisory to the County Judge. (Ark. Con., Am. 55, Section 3).

2. The County Grievance Committee for employees not hired by the County Judge shall be the County Quorum Court, and the decision of the Grievance Committee shall be the decision of the County. (Ark. Con., Am. 55, Section 1).

9. RELEASE OF EMPLOYEE GRIEVANCE RECORDS

Public access to employee grievance records is authorized only if approved by the affected employee or authorized by the Arkansas Freedom of Information Act.

10. VARIANCES AND AMENDMENTS

Variations and amendments to this employment policy may be made from time to time upon review of and approval of the Quorum Court.

THIS MONROE COUNTY EMPLOYMENT POLICY WAS DULY ADOPTED BY ORDINANCE ON
DECEMBER 13, 1993.