

RESOLUTION NO. 21-01

**RESOLUTION AMENDING CITY OF MONTICELLO PERSONAL
POLICIES PARAGRAPH 6.1, 6.2, AND 6.3**

WHEREAS, the administration recommends and the council agrees that amendments to Paragraphs 6.1, 6.2 and 6.3 of the Personnel Policies of the City of Monticello are appropriate and in the best interest of the City of Monticello.

IT IS, THEREFORE, by the City Council of Monticello Arkansas resolved that Paragraphs 6.1, 6.2 and 6.3 be amended as follows:

***Note = For the purposes of employee leave accrual a “year” will be defined as being January 1st to December 31st.**

6.1 VACATIONS

6.1.1 UNIFORMED EMPLOYEES

Pursuant to Ark. Code Ann. §14-52-106 & Ark. Code Ann. §14-53-107, each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay beginning twelve (12) months past the first date of employment.

The Police Chief and Fire Chief shall see that employees of their corresponding department take all of their vacation time before the end of the year, however, the City will allow an employee to have a temporary carryover allowance of up to 80 hour that will expire as of May 31st each year.

Employees will only be eligible for payout of vacation that was earned that year.

6.1.2 NON-UNIFORMED EMPLOYEES

Years of Service	
Less than 1 Year	None
1 Year Anniversary	5 Working Days
January 1 after 2 nd year	10 Working Days
January 1 after the 10 th year	15 Working Days

Accrued vacation time will be paid if the employee leaves the employment of the city. Employees will only be eligible for payout of vacation that was earned that year. The City will allow an employee to have a temporary carryover allowance of up to 80 hour that will expire as of May 31st each year.

To the extent it differs from the procedure set forth herein, the uniformed employees of the Police and Fire Departments shall accrue vacation days 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 Monticello's at-will employment policy as described in this Personnel Handbook.

6.1.3 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such 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. Employees should notify their department heads at least three (3) days in advance of being absent for vacation time. The permissible number of employees taking vacation at any one time will be determined by the Mayor and/or designee 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.

*Fire department personnel need to refer to their department operating manual for the application(s) of this policy.

6.2 HOLIDAYS AND HOLIDAY PAY

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

Uniformed employees in the Police and Fire department will be allowed all holiday hours at the beginning of the year in order to aid in scheduling needs within those departments.

If at any time a uniformed employee's employment ends, for any reason, that employee will not be paid for accrued holiday hours unless they have occurred within the year prior to their separation. In the event that the uniformed employee utilizes holiday time that has not occurred prior to separation the amount will be deducted from the employee's final payroll.

If a non-uniformed employee is unable to be off on a paid holiday when it occurs they will be paid for the day unless the department can accommodate the employee taking a different day-off.

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. Non-uniformed employees are expected to work the day before and after approved holidays. If an

employee fails to do so they may not be paid for the holiday unless other time off was approved in advance for the employee (Example: Employee calls in sick the day after July 4th. Employee is not able to produce a doctor's note and; therefore, will not be paid for the holiday).

Holiday	Day/Date
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	October 14th
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
The Day After Christmas	December 26th
Employee's Birthday	<i>6 days before or after the employee's actual birthday.</i>

6.2.1 EMPLOYEE'S BIRTHDAY

Employees shall be allowed one paid holiday per year to observe their own birthday. Employees shall not be allowed to take a birthday holiday 6 days before or after the employee's actual birthday. Employees who wish to use this holiday are required to notify their department heads at least three (3) days in advance of being absent for this holiday. The permissible number of employees taking leave (including birthday paid holiday) any one time will be determined by the Mayor and/or designee based upon departmental workloads.

6.3 SICK LEAVE

6.3.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work unless the employee is considered to be on FMLA leave.

If, at the end of the employee's term of service, upon retirement or death, whichever occurs first, any police officer that has unused accumulated sick leave, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment

terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary. (ACA 14-52-107)

6.3.2 FIRE DEPARTMENT

In accordance with municipal ordinance and Ark. Code Ann. 14-53-108, all firefighters shall accumulate sick leave in accordance with a municipal ordinance at the rate of 20 working days per year, beginning one (1) year after the date of employment. For purposes of calculating sick days, a "working day" shall be calculated as a 12 hour day, however, the Fire Chief's and Fire Marshal's "working day" shall be calculated as a 10 hour day.

If unused, sick leave shall accumulate to a maximum of 1,440 hours.

Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.

Time off may be charged against accumulated sick leave only for the days that a firefighter is scheduled to work. No sick leave as provided in this section shall be charged against any firefighter during any period of sickness, illness, or injury for any days that the firefighter is not scheduled to work unless the employee is considered to be on FMLA leave.

If at the end of the employee's term of service, upon retirement or death, whichever occurs first, any firefighter that has unused accumulated sick leave, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

6.3.3 NON-UNIFORMED EMPLOYEES

The City of Monticello recognizes that the inability to work because of an illness or injury may cause economic hardships. For this reason, the City of Monticello provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one working day 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 year up to a maximum of sixty (60) days.

Employees on unpaid status will have their sick leave accrual suspended the first of the month following the beginning of the said status, with the exception of unpaid status due to Workers' Compensation.

There will be no payout of accrued sick leave for non-uniformed employees.

6.3.4 ELIGIBILITY OF USAGE

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, spouse, brother, sister, child, step-child, foster child/parent, grandchild, aunt, uncle, cousins, nieces, nephews, any family member who lives in the household or any of the spouse's family that falls into one of the previously mentioned categories.
- 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. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status unless there is a different type of available accrued leave to cover the absence.

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.

Sick leave usage will run concurrently with Family & Medical Leave. In the event that an employee will be or has been absent for more than three consecutive working days for reasons covered under this policy, employee should contact the Human Resources Department as soon as possible to determine whether the absence should be designated as leave under the Family and Medical Leave Act (FMLA). For absences authorized under FMLA, the Human Resources Department shall request documentation to support the need for absence and/or the return to work. Please refer to the city's Family and Medical Leave Policy for more information.

You may not directly donate sick time to another employee. In case of extreme hardship when you have used all of your sick leave, vacation, and compensatory time, you may request leave as outlined by the Catastrophic Sick Leave Bank Policy.

In the event that an employee leaves the City for any reason and there is remaining accrued sick leave following any applicable payout requirements, time will be transferred to the Catastrophic Sick Leave Bank.

6.3.5 DOCUMENTATION

Department supervisors should consult with Human Resources if they suspects an employee's misuse of sick leave not authorized under the Family and Medical Leave Act (FMLA) or Workers' Compensation Leave.

An employee returning from a sick leave absence for his/her own illness/injury in excess of three consecutive work days; or due to an approved Family and Medical Leave Act (FMLA); or Workers' Compensation Leave may be required to submit a return-to-work release from a City approved doctor. The employee may also be required to take a fitness-for-duty test if such a test is normally required for placement in the job. Department supervisors should contact the Human Resources Department to coordinate a return-to-work release and/or fitness-for-duty test, if needed. If required, both the release and a passing score on the fitness-for-duty test must be submitted to the Human Resources Department before the employee may resume regular work duties.

Sick leave will not be approved for employees who have given a two week notice of resignation from employment with the city. Only vacation leave or compensatory leave will be authorized during the final two weeks of employment, unless he/she has been approved for Family Medical Leave or is on Workers' Compensation Leave and is unable to return following this period of time.

6.3.6 ABUSE OF SICK LEAVE

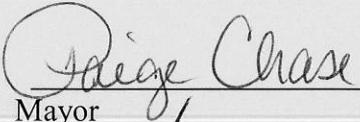
Regular attendance is an essential function of every job. The misuse and abuse of the sick leave benefit is grounds for disciplinary action up to and including termination of employment. Misuse and abuse of sick leave may include, but is not limited to the following:

- A. Evidence of inappropriate patterns of sick leave usage.
- B. Taking excessive leave.
- C. Frequently using sick leave as soon as accrued.
- D. Failure to comply with departmental procedure for the notification and scheduling of sick leave.
- E. Participating in actions or activities that are not consistent with the requested

scheduling and use of sick leave

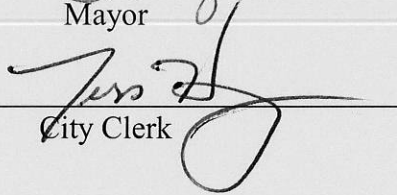
(END OF RESOLUTION)

ADOPTED on this 26 day of January, 2021.



Mayor

Attested by:



City Clerk