

ORDINANCE NO. 164

**AN ORDINANCE AMENDING ORDINANCE NO. 130
AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Goshen adopted Ordinance 130 on November 8, 2016, and thereby established policy regarding annual leave, sick leave, overtime/compensatory time, and sick leave bank for the employees of the City of Goshen; and

WHEREAS, there is considerable confusion about what is required of the City and therefore City Council of the City of Goshen deems it advisable to amend the those policies without delay.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1. The policies that were adopted were included an attachment to Ordinance 130. That attachment is amended as follows:

A. Annual leave for Full-Time Employees. The following language is deleted:

This policy for non-uniform employees to become effective January 1, 2017. All full-time employees may carry over 40 hours of annual leave until the end of April the following year, at which time it will be deemed used. Annual leave must be requested and approved by supervisor before being used. Accrued annual leave will be paid to the employee upon termination of employment.

In its place the following language is inserted to change the period that an employee has to use carried-over vacation and to make clear that the last three sentences apply to all employees:

This policy for non-uniform employees to become effective January 1, 2017.

All full-time employees may only carry over 40 hours of annual leave to be used anytime the following year. At the end of the next year, all vacation carried-over from the previous year will be deemed used and deducted from the employee's accrued leave. Annual leave must be requested and approved by supervisor before being used. Accrued annual leave will be paid to the employee upon separation from employment for reasons other than termination for cause by the City.

B. **Overtime/Compensatory Time.** The following language is deleted:

Police: No compensatory or overtime pay is authorized.

Non uniformed employees: earn at 1.5 hours per hour (for hours worked over 40 hours per week). Any time worked over scheduled hours must be approved by Mayor or designee before being worked. Upon termination of employment, unused compensatory time will be paid at the employees then prevailing rate. Employees may not accumulate over 40 hours of compensatory time in a calendar year.

In its place the following language is inserted to reflect the current state of the wage and hour laws and to make clear that employees working overtime shall be paid for it in same pay period it is earned at the legal rate and there shall be no compensatory time:

Police: All non-exempt employees of the police department shall be paid overtime at the rate of 1.5 times their hourly rate for all hours worked over 86 hours in a two-week period. There is no compensatory time. Any time worked over scheduled hours must be approved by the Chief of Police. Violation of this policy requiring approval of overtime, could result in discipline up to and including termination.

Non uniformed employees: All non-exempt employees shall be paid overtime at the rate of 1.5 times their hourly rate for all hours worked over 40 hours per week. There is no compensatory time. Any time worked over scheduled hours must be approved by employee's supervisor or the Mayor before being worked. Violation of this policy requiring approval of overtime, could result in discipline up to and including termination.

C. This section is added to the end of the policies adopted by Ordinance 130 and amends Ordinance 71, Section 2 (b) to the extent of any conflict herewith.

Police Paid Holidays. Employees of the police department are paid a salary and pursuant to Ark. Code Ann. § 14-52-105, holiday pay for each of the ten holidays recognized by the City in Ordinance 71 is included in their salaries, but shall be paid at a daily rate for that holiday during the pay period in which the holiday falls. If an officer of the police department is required to be on duty

for a recognized holiday, the officer shall be paid for that day at a daily rate in addition to his holiday pay. Being paid for a holiday, but, not being on duty, does not count toward the calculation of accrued vacation time or compensatory time for that pay period. Being on duty for a holiday does count towards the calculation of accrued vacation time and compensatory time.

SECTION 2. EFFECTIVE DATE

These amendments shall be effective as of January 1, 2019.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. EMERGENCY CLAUSE

The policies regarding employment require some clarification, which is needed immediately. It is hereby declared that based upon the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 12th day of February, 2019



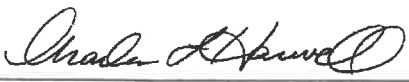
Cathy Oliver, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Angie Driver
Bill Hewitt
Colton Martin
John Vaillancourt

Present via video conference but not voting per opinion of City Attorney

Birch Wright

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Angie Driver
Bill Hewitt
Colton Martin
John Vaillancourt

Present via video conference but not voting per opinion of City Attorney

Birch Wright