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Chapter I
(for at-will employment)

1. PURPOSE

A. The purpose of this document is to establish at-will employment as the default employment policy for the County and to state the General Employment Policies issued by the Quorum Court in its capacity as the legislative branch of County Government. The General Employment Policies set forth herein apply uniformly to all county employees because they relate exclusively to “employee practices and policies of a general nature” and to familiarize the employee with the County’s employee policies.

B. Executive Employment Policies are those adopted by an elected county officer to apply to the employees of that office in the course of administering “[t]he day-to-day administrative responsibility” of his or her elected office. A.C.A.14-14-805(2). An elected official can create and administer his/her own employee discipline measures, subject, however, to the condition that these cannot contravene these general, uniformly applicable measures adopted by the Quorum Court.

C. Each and every county employee is entitled to request a hearing before the County Grievance Committee in the event the employee believes that the executive decision of an elected official violates the Constitution, the Law or the General Employment Policy duly adopted by the Quorum Court.

D. Nothing in this General Employment Policy adopted by the Quorum Court creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

2. APPLICABILITY

The Personnel Policies and Procedures shall apply to all employees of the county, except such employees specifically excluded by the Quorum Court. Personnel Policies adopted for special groups of employees shall apply to those employees. See note below:

NOTE: Some departments have additional Policies for their particular area of function. These include:
A. Sheriff/Detention Center
B. 9-1-1
C. Library
D. Ambulance

3. GENERAL COUNTY POLICY

A. The general policy of the County is to treat all employees and citizens in a manner that is: 1) rationally related to the effectuation of legitimate county objectives and 2) uniformly applied to all persons similarly situated.
B. No official or employee of the County is to abuse or misuse his or her governmental power.

C. No official or employee is to engage in any overt act that is either illegal (contrary to applicable statutes or judicial rulings) or unconstitutional (contrary to the U.S. Constitution or the Arkansas Constitution).

D. No official or employee is to omit the performance of any duty that is affirmatively required by applicable laws (statutes or judicial rulings).

E. No official of county government shall “be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the county…or accept or receive any property, money, or other valuable thing, for his [or her] use or benefit on account of, connected with, or growing out of any contract or transaction of a county.” A.C.A. 14-14-1202.

F. No official of county government is to engage in any act that would constitute “corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.” A.C.A. 14-14-1311.

G. Each elected official and/or department head of the County is to fully and completely administer the day-to-day affairs of his or her office of County government on behalf of the County, in a manner that is in accord with applicable laws (statutes or judicial rulings), the constitutions (U.S. and Arkansas), and this general County policy.

H. Use of deadly force against another person by the Sheriff or any Deputy Sheriff is limited to the following: 1) to effect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes: a) there is probable cause to arrest the felony suspect; b) the felon cannot otherwise be apprehended; and c) the felon either: i) had used deadly force in the commission of the felony or, ii) would use deadly force against the officer or others if not immediately apprehended or 2) to defend himself or a third person from what he reasonably believes to be the use of imminent use of deadly force.

4. COUNTY EMPLOYMENT POLICY

A. Pursuant to its authority as the legislative branch of County government, the Quorum Court adopts “at-will” employment as the default employment policy for each County employee. All county employees are "at will" employees. At-will 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. Unless rehired by a newly elected supervising county official, an employee's employment shall cease at the conclusion of the county's biennium (December 31 of even-numbered years). 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.

B. 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 administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.
5. REDUCTION OR REMOVAL OF PAY OR POSITION

A. A county official may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate county objective.

B. Examples: It is not possible to list all "rational basis" for reduction or removal of pay or position; however, examples include (without limitation):
   1) Misrepresentation, dishonesty, or self-dealing conduct;
   2) Intemperate conduct;
   3) Insubordination, including the failure or refusal to follow the legal orders of your supervisor or other supervisors;
   4) Negligent, reckless, knowing, or intentional destruction of county property;
   5) Abuse or misuse of your position as a county employee;
   6) Any conduct, acts, or omissions that interfere with or impair your ability to properly and effectively perform your duties as a county employee;
   7) Any rational change in the mode or manner of operations, including any rational decision regarding the persons selected by the county official for the delivery of county services.

6. CONSTITUTIONALLY PROTECTED CONDUCT

A. It is the policy of this county not to violate the Constitution or the laws of Arkansas or the United States.

B. Should any applicant or employee contend that he or she has been unlawfully discriminated against because of the race, color, religion, gender, sex, national origin, age, disability or veteran status or that he or she has been unlawfully punished for the exercise of a constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy,) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall request, in the time and manner set forth in this county employment policy, a "liberty right" hearing before the county grievance committee to provide the county’s final policymaker with authority, an opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of county officials and county employees to the requirements of county policy.

7. HIRING AND PROMOTING

A. The at-will employment policy set forth herein 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.

B. Prospective employees who are required to register with the selective service system must certify compliance with the Military Selective Service Act as a condition for employment.

8. EMPLOYEE BENEFITS

Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.
9. INFORMAL PROCEDURE FOR REPORTING/RESOLVING PERCEIVED HARASSMENT

A. This policy provides an informal procedure for reporting any conduct or condition perceived to be race, color, religion, gender, sex, national origin, age, disability or veteran status harassment to enable the county to receive timely notice and to act affirmatively, if needed, to assure compliance with the law. If this informal procedure does not achieve the desired result, the affected person should utilize the Grievance Hearing procedure to bring the matter before the County Grievance Committee.

B. Race, color, religion, gender, sex, national origin, age, disability or veteran status harassment (by conduct or condition) is prohibited.

C. If you consider a County official’s or a County employee’s conduct or a workplace condition to be race, color, religion, gender, sex, national origin, age, disability or veteran status harassment, report it immediately to any supervisor or elected official.

D. The supervisor or elected official receiving any such report shall report the matter to the appropriate elected official or officials which, for the implementation of this procedure, shall be the elected official(s) responsible for managing the day-to-day affairs of the office of county government in which the alleged harassment occurred or in which the alleged harasser works.

E. Any supervisor or elected official receiving any report of race, color, religion, gender, sex, national origin, age, disability or veteran status harassment shall take appropriate action to remedy any race, color, religion, gender, sex, national origin, age, disability or veteran status harassment and shall respond to the person reporting the matter so the person originating the report can be informed of the action taken.

F. If the person reporting the alleged harassment is not satisfied with the action taken, or if the alleged harassment continues, that person shall report the matter to the County's Prosecuting Attorney or Deputy Prosecuting Attorney.

G. Except to the extent necessary to implement this policy and remedy the alleged harassment, the identification of the person shall remain confidential.

H. Reporting conditions or conduct reasonably believed to be prohibited harassment shall not adversely affect the reporting citizen or employee.

10. GRIEVANCE HEARING PROCEDURE

CAVEAT: The purpose of the grievance hearing procedure is to establish a required procedure to resolve applicant and employee grievances, and to thereby enable the county to voluntarily conform the conduct of county officials and county employees to the requirements of county policy. If the applicant or employee does not follow this affirmatively required county grievance hearing procedure, the county will raise waiver and estoppel as affirmative defenses to any claims against the county filed by the applicant via any administrative or judicial procedures otherwise available for redress of grievances.

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 is a permanent employee or that the 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 pre-deprivation hearing, must be timely asserted in writing by the affected employee in accordance with this Grievance Hearing Procedure, or the property right claim will be waived by the employee.

B. Availability of Liberty Right Hearings:
   1) Any claim of illegal county employment discrimination on the basis of race, color, religion, gender, age, national origin, disability or veteran status or because the county is acting in a manner that is arbitrary, capricious, or unreasonable, in hiring, compensation, conditions of employment, discipline, or dismissal must be timely made in writing by the affected applicant or employee in accordance with this grievance hearing procedure.
   2) Any claim that an employee treatment, discipline, or dismissal is unconstitutional punishment due to the employee's exercise of a constitutionally protected "liberty right" or other constitutionally protected activity of the employee must be timely made in writing by the affected employee in accordance with this grievance procedure.
   3) Any claim that an employee treatment, discipline, or dismissal is contrary to the public policy of Arkansas must be timely made in writing by the affected employee in accordance with this grievance hearing procedure.

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 grievance hearing procedure.

D. Availability of Hearings Generally:
   1) A grievance hearing requested by an applicant or employee is not required to be held unless it is timely requested in the manner required by this Employee Grievance Hearing procedure and required by the constitution or by 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 Grievance Hearing
   1) It is the applicant or employee's duty to request a grievance hearing.
   2) The applicant or employee must timely file a written grievance hearing request after any claimed deprivation of the applicant's liberty or employee's liberty or property, or any right to a hearing or to object to the deprivation shall be waived.
   3) The grievance-hearing request should state, in writing:
      a. The grievance for which a hearing is requested;
      b. The factual basis of the grievance; and
      c. The relief sought.
   4) The written grievance hearing request shall be delivered to the Pope County Grievance Committee in care of the County Judge no later than three o'clock (3:00) p.m. on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a grievance hearing is requested.
5) Any dismissal decision shall automatically be a suspension with pay for three full business days (weekends and holidays excluded) during which time the employee subject to dismissal may request a pre-deprivation hearing, in which case the suspension with pay shall continue until the conclusion of the County Grievance Committee hearing. In no event shall a suspension with pay status extend more than 14 days, unless the suspension with pay status is extended by decision of the County Grievance Committee. All accrued but unpaid leave time e.g., vacation, and comp. time, will automatically run concurrent with the period of suspension with pay, unless the employee prevails in his or her grievance. Any discipline decision that will result in reduction or removal of pay or position shall automatically be deferred for three full business days (weekends and holidays excluded) during which time the employee subject to discipline may request a pre-deprivation hearing, in which case the deferral shall continue until the conclusion of the County Grievance Committee hearing.

6) The Grievance Committee shall respond in writing to all timely submitted 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) NOTICE: After an employee requests a grievance hearing, the employee shall be notified of the date, time, and place of the hearing.
   2) SUSPENSION WITH PAY: If it is determined that the grieving employee should continue to work until the hearing is concluded, the employee may be requested to perform duties for the benefit of the county with pay pending the outcome of the hearing.
   3) HEARING RECORD: The hearing shall be reported by a court reporter (not merely a tape recorder) for transcription upon request by either party at the expense of the requesting party.
   4) PROCEDURAL ISSUES: At the hearing, on the record, the parties 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 the charges; and
      d. the impartiality of the decision maker(s).
      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.
   6) PUBLICATION: The County Grievance Committee shall hear the evidence offered by the parties, hear any argument desired by the parties, and vote without public discussion or deliberation. Only the decision, and not the factual or legal reasons therefor, shall be announced publicly. The hearing shall be held in public if so required by the F.O.I.A.; however, the employee may, at any time, decline the hearing and accept the intended discipline or dismissal.
7) CONFIRM IN WRITING: After the hearing, the grieving applicant or employee shall be sent a letter stating the factual and legal basis found by the County Grievance Committee for any refusal or removal of pay or position.

G. Hearing Issues and Burdens of Proof
1) Property Interest Hearings
   a. Since this county employment policy affirmatively creates at-will employment as the default employment policy of the County, the employee has the burden of proving by a preponderance of the evidence that he or she has a property interest in his or her employment.
   b. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving "just cause" for the supervisory official's intended discipline or dismissal of the employee.

2) Liberty Interest Hearings
   a. Claim of Arbitrary Discrimination (Unequal Treatment)
      (1) The grieving employee has the burden of proving by a preponderance of the evidence that he or she is being treated differently than another person otherwise similarly situated with the employee.
      (2) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the reason for the difference in treatment is rationally related to the effectuation of a legitimate county objective.
   b. Claim of Unconstitutional Punishment
      (1) The employee has the burden of proving by a preponderance of the evidence that he or she has engaged in constitutionally protected conduct that was a substantial or motivating factor in any adverse employment decision, discipline, or dismissal.
      (2) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving that the adverse employment decision, discipline, or dismissal would have occurred even in the absence of the constitutionally protected conduct.
   c. Claim of discrimination due to race, color, religion, gender, sex, age, national origin, disability or veteran status.
      (1) The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is being treated or affected differently than another person who, other than for race, color, religion, gender, sex, age, national origin, disability or veteran status, is similarly situated with the applicant or the employee.
      (2) Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven inequality of treatment or affect is necessary to effectuate a compelling county objective.
   d. Claim of Discrimination Due to a Disability
      (1) The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is a qualified individual with a disability who, because of the disability, is being treated or affected differently than another person in regard to job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment.
      (2) Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven difference in treatment or affect is job-related and necessary to effectuate a legitimate county objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in undue hardship on the county.
(3) Definitions: The following definitions apply to claims of discrimination due to a disability.

(a) "Disabled" or "disability": A physical or mental impairment that substantially limits one or more of the major life activities of an individual; having a record of such an impairment; or being regarded as having such an impairment.

(b) "Regarded as having such an impairment": includes those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.

(c) "Discrimination" includes:
   [1] Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status;
   [2] Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination;
   [3] Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;
   [4] Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job related and consistent with county necessity;
   [5] Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the county; or
   [6] Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.

(d) "Reasonable accommodation" examples include:
   [1] Making existing facilities used by employees readily accessible to the disabled;
   [2] Job restructuring:
   [3] Flexible or modified work schedules;
   [4] Reassignments to other positions; and
   [5] The acquisition or modifications of equipment or devices.

(e) "Undue Hardship": an action requiring "significant difficulty or expense," considering:
   [1] The overall size of the county with respect to the number of employees, number and type of facilities, and size of the budget;
   [2] The type of operation maintained by the county including the composition and structure of the work force of that entity; and

(f) "Qualified individual with a disability": an individual with a disability who, with or without reasonable accommodation, can perform the "essential functions" of the employment position held or desired.

(g) "Essential functions": job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions).

e. Claim of a Completely Arbitrary Decision.

(1) The grieving employee has the burden of proving by a preponderance of the evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the County.
Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the action taken against the grieving employee is rationally related to the effectuation of a conceivable legitimate governmental objective of the county.

(3) Name Clearing Hearings
(a) The grieving applicant or employee has the burden of alleging that a "stigmatizing charge" has been publicly communicated by the county or a county official or county employee and requesting an opportunity to publicly clear his or her name.
(b) Where the applicant employee meets his or her burden of proof, the county shall provide the applicant or employee a public hearing opportunity to clear his or her name.

f. Claim of a Violation of Arkansas Public Policy
   (1) The grieving employee has the burden of proving by a preponderance of the evidence that he or she is being treated in a manner that violates public policy in Arkansas.
   (2) Where the employee meets his or her burden of proof, the supervisory official has the burden of proving that the adverse employment decision, discipline, or dismissal would have occurred even in the absence of the violation of public policy in Arkansas.

11. COUNTY GRIEVANCE COMMITTEE

   A. 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).

   B. The county grievance committee for employees not hired by the county judge shall be the county quorum court (or its appointee), and the decision of the grievance committee shall be the decision of the County. (Ark. Const., Am. 55, Section 1).

   C. The purpose of the grievance hearing is to enable the county, through its Grievance Committee, to hear from both the employee and the employee’s supervisory official and to thereafter determine whether or not an executive decision of the county official or employee violates the Constitution or the Law. If the decision being challenged in the Grievance Hearing process is determined by the County Grievance Committee to violate the Constitution or the Law, then the County Grievance Committee shall declare the decision to be unconstitutional or illegal and shall direct the supervising elected county official to modify that executive decision to conform that decision to the requirements of the Constitution or the Law.

   D. The county grievance committee is not to substitute its operational judgment for that of an Elected Official if the decision of the county official or employee does not violate the Constitution or the Law.

   E. If the employee’s supervisory official refuses to abide by the County Grievance Committee’s decision, then the County Grievance Committee must either access the courts to seek an order enjoining the supervisory official from acting contrary to the Constitution or the Law or the County Grievance Committee shall be deemed to have acquiesced to the decision of the supervisory official and the decision of the supervisory official shall become the County’s
final decision with respect to the employment action taken.

12. **RELEASE OF EMPLOYEE GRIEVANCE RECORDS**

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

13. **FMLA LEAVE POLICY**

A. **Purpose.** The purpose of the Family and Medical Leave Act (FMLA) of 1993 is to balance the needs of families with the demands of the workplace. It was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers.

B. **Equality.** The FMLA legislation seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available when necessary for both men and women.

C. **Twelve weeks unpaid leave.** The county will grant up to twelve (12) weeks of unpaid leave per year to employees who need to care for family members.

D. **Qualifying employees.** An employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous twelve (12) months to qualify for FMLA leave.

E. **Purpose for which leave can be taken.** Employees are entitled to take up to twelve (12) weeks unpaid FMLA leave a year for:

   1. The birth of the employee’s child;
   2. The placement of a child with the employee for adoption or foster care;
   3. To care for the employee’s spouse, child or parent who has a serious health condition;
   4. A serious health condition rendering the employee unable to perform his or her job.

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more that three (3) consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. The two visits must occur within thirty (30) days of the period of incapacity with the first visit occurring within seven (7) days of the incapacity. Other conditions may meet the definition of continuing treatment. See definition in Title 29 of the Code of Federal Regulations, Section 825.114.

   5. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintroduction briefings.

   6. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard
or Reserves, who has a serious injury or illness incurred in the line of duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

F. Intermittent leave. The employee may take leave intermittently, or on a reduced work schedule when medically necessary due to the employee’s or a family member’s illness.

G. Notice required. The employee must notify the employer of the need for leave 30 days prior to the leave or the same day (or day after) the employee knows of the need for leave, whichever is earlier. An employer must notify the employee of his/her eligibility and rights under FMLA within five (5) days of the employee’s request.

H. Medical certification. The county requires medical certification that the leave is needed due to the employee's own serious health condition or that of a family member. The county may, at the county's expense, require a second medical opinion. If the first and second opinions differ, the county may request a third opinion, at the county's expense, which is then binding. An employer’s HR professional leave administrator or management official may contact an employee’s health care provider to clarify or authenticate the provider’s certification. An employee’s direct supervisor may not contact the provider.

I. Continuation of benefits. The county will continue the employee's health insurance under the same conditions as if the employee were working. Under this circumstance, the employee will still be required to pay his or her share of the premium if the county's health insurance plan provides for such co-payments. Leave under this Act is not a "qualifying" event under COBRA. In some instances if the employee does not return to the job, the employee may be liable to the county for repayment of the health insurance benefits paid by the county during the employee's FMLA leave. See Title 29 of the Code of Federal Regulations, Section 825.213.

J. Return to the job. Upon returning from leave, an employee is entitled to be restored to the same or equivalent position with equivalent pay, benefits and other terms and conditions of employment.

K. Concurrent leave. FMLA leave will automatically run concurrent, with the exception of compensatory time, with all other available leave time. (E.g., sick leave, vacation leave,) After an employee has exhausted all accrued paid leave time on the FMLA leave, such employees will not accrue sick time or vacation time until returning back to work.

L. An employee who returns to work for at least thirty (30) calendar days is considered to have “returned” to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first thirty (30) days after the employee returns to work, is deemed to have returned to work

14. FRINGE BENEFITS FOR TAX PURPOSES:

A. Employees who drive non-emergency county owned vehicles will be allotted a taxable fringe in the amount of $3.00 per day per the Commuting Valuation Rule. This amount is allotted to cover the personal use of the county owned vehicle when commuting to and from work.
Vehicles not included in this taxable fringe include:
1) Clearly marked sheriff’s vehicles.
2) Unmarked vehicles used by law enforcement officers if the use is officially authorized
3) Utility repair trucks (excluding vans or pickups) designed to carry tools, equipment, etc.
4) Pickup trucks equipped with hydraulic lift gate, permanent tanks or drums, or permanent sideboards or panels

B. Control employees or elected officials will pay taxes based on the Automobile Lease Valuation Rule.

C. All employees who are issued county cell phones will be allotted an additional amount as a taxable Fringe based on an average of three month bill and an average of three month percent of personal Use calls. These averages will be evaluated periodically.

15. COUNTY EMPLOYEE DRUG AND ALCOHOL TESTING

A. Any County employee or applicants are subject to testing by the county to detect the presence of controlled substances and alcohol in their body including:
   1) Pre-employment Testing (controlled substances only)
   2) Reasonable Suspicion Testing
   3) Random Testing
   4) Post-accident Testing
   5) Return-to-duty and Follow-up Testing.

B. The Drug and Alcohol Testing Procedures required by the U. S. Department of Transportation (the Rules) shall be the procedures followed by the county, which Procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.

C. Upon the county’s adoption of this policy, or at the point of hiring, each county employee shall certify in writing that:
   1) The employee has been informed of and understands his or her obligations under the County’s drug and alcohol testing policy and the drug and alcohol regulation of the U.S. Department of Transportation;
   2) The employee understands that the use or possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work after an accident;
   3) The employee understands that the use or possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not and;
   4) The employee understands that, as a condition of employment, the employee must submit to collection of breath, urine, blood, and/or saliva samples when requested by the county employer or contractor acting for the county employer and, also, that the employee may be subject to drug and alcohol testing in other circumstances including, but not limited to post-accident and when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions concerning controlled substances or alcohol.

D. Drug and alcohol testing will be administered to the employees in the circumstances and in manner mandated by the rules.

E. The following shall result in immediate discharge:
   1) Refusal to take a mandated test for drugs or alcohol;
   2) A positive drug test result, once the time limit for requesting a second test of a split sample has expired or upon receipt of a positive drug test result from the second test; or
   3) A positive alcohol test result.

F. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the County’s ‘Designated Representative’ receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed to the County by the employee.
The County shall withhold from the employee’s paycheck the cost of the second (split sample) test to reimburse the County. A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

G. An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.5 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the county’s ‘Designated Representative.’

16. PARKING RESTRICTIONS FOR POPE COUNTY COURTHOUSE AND ANNEX BUILDING EMPLOYEES

Pope County Courthouse and Annex Building employees should not park on the parking lot directly north of the Courthouse. Any medical exceptions to this rule shall be determined by the employee’s direct supervisor.

CHAPTER II

EMPLOYMENT APPLICATIONS

1. The government of Pope County is an equal opportunity employer and county policy is to comply with the provisions of the Equal Opportunity Act of 1972 as well as other non-discriminatory state and federal statutory requirements.

2. All hiring shall be done by elected officials or department heads designated by an elected official, except as otherwise provided by law. (NOTE: The Arkansas Constitution, Amendment 55, 3, ACA 14-14-1101 (a) (6), authorizes the County Judge to hire county employees, except those persons employed by other elected officials of the county. ACT 14-14-1102 (5) (B) (ii) (b) states that; The jurisdiction to purchase the labor of an individual for salary or wages employed by other elected officials of the county shall be vested in each respective county official.

3. The employment of persons by county officials shall be done only on the basis of past performance in previous job, special skills, qualifications and abilities that would aid them to perform on the job in a satisfactory manner.

4. When a vacancy occurs in a position it is suggested that notification of the opening will be posted in each county office in order to give current employees of Pope County an opportunity to first apply for the vacant position. After forty-eight (48) hours, notification of the job vacancy shall be sent to the Department of Workforce Services by the elected official/department head along with the specifications required for each applicant to possess in order to be eligible to apply for the job vacancy. Previous employment in the job category and/or knowledge of County government requirements may be given priority in job selection. NOTICE: In an emergency situation, elected official/department heads may bypass the above hiring procedure. (Emergency situation is defined as an immediate need for emergency services personnel and/or vacancy due to serious health condition and/or in an unexpected vacancy).

5. Applications for employment will be accepted from any person who wishes to apply upon forms provided by the county. Applications will be kept on file for a period of one year in the office for which the applicant applied.
6. Upon submission of a completed application for employment, the elected official or department head may require a physical examination of the applicant. The examination will be performed at county expense by a physician that normally performs such examinations for the county. The determination as to the applicant's medical fitness for the job will rest solely on the physician.

7. Elected Pope County officials are prohibited from employing deputies or county employees who are related by affinity or consanguinity within the second degree to any elected county official. Ordinance 78-0-15 became effective January 1, 1979. The Ordinance does not prohibit the continued employment of any county employee or Deputy serving as an employee or deputy of an elected county official prior to January 1, 1979.

8. Persons desiring to become full-time employees must be eighteen (18) years of age. In those cases where the county wishes to hire part-time help under the age of eighteen (18), applications shall be for occupations in accordance with all applicable state and federal regulations.

9. County employees shall possess a social security account number or shall have applied for such at time of employment, and as required by the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

10. Elected officials or department heads shall require all applicants to undergo one or more of the following:

A. A performance or demonstration test
B. An oral or written test.
C. An evaluation and rating of the applicant experience and/or training by the county official.
D. A comprehensive interview by the county official.

Results of the above will be documented by the county official in written form and retained for official use or inclusion in the applicants personnel file if he or she becomes a county employee.

11. Applicants shall possess or obtain at their own expense any special certification or permits which may be required by law to perform the job they are seeking (for example, a commercial driver’s license or juvenile probation and/or intake officer certification).

CHAPTER III
CODE OF ETHICS

The holding of public office or employment is a public trust created by the confidence, which the electorate reposes in the integrity of officers and employees of county government. An officer or employee shall carry out duties assigned by law for the benefit of the people of the county. The officer or employee may not use their office, the influence created by their official position, or information gained by virtue of their position, to advance their individual or an immediate member of their family, or an associates personal economic interest, other than advancing strictly incidental benefits as may accrue to any of them from the enactment of administration of law affecting the public generally. ACA 14-14-1202 (1). The efficiency and effectiveness
of county government depends on public trust and confidence. To maintain this trust, conformance to these standards is expected of each county employee. Violation of this code of ethics will result in disciplinary action or dismissal.

1. County employees shall not grant any special consideration or advantage to individuals or groups beyond that which is available to every other individual or group.

2. County employees shall not engage in conflict of interest activities that prove to be incompatible with assigned duties, bring discredit upon the county or give them an advantage in their outside activities over persons working in similar vocations.

3. County employees shall not accept gifts, services, gratuities, or favors, or engage in trading or bartering with those in custody or their families or friends.

4. (A) County employees shall not use county funds, supplies, or facilities for purpose other than to conduct official county business.

(B) Employees are prohibited from visiting Social Networking sites on County time for personal use.

5. County employees shall not use official positions to receive special favors for themselves or other.

6. County employees shall exercise care and emphasize safety in the use of county property and equipment.

7. County employees shall keep themselves mentally alert, neat and clean, and shall perform their duties fairly, impartially and in a professional manner. Working under the influence of alcohol or any other narcotic or controlled substance may result in immediate dismissal.

8. Employees of the County shall not use habit-forming drugs, narcotics or controlled substances unless a physician properly prescribes such drugs.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on County property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

9. The County’s Smoking Policy Ordinance # 2009-O-19 shall be in accordance with county ordinance relating thereto. Use of Tobacco products is not allowed in County Buildings, Vehicles or other enclosed structures.

10. County employees shall conduct themselves, both on the job and off duty, so as to command the respect of fellow workers and the general public.

11. County employees shall not display prejudice against persons or organizations, thus affecting cordiality or contacts with other employees or the public.

12. Employees of the County shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his/her appearance, actions and statements are in essence those of the County.
In dealing with the public, each employee must attempt to make his/her conduct one which inspires respect for both himself/herself and the County and further, one which generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of his/her duties will be courteous. However, an employee should treat the public as he/she would like to be treated…with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.

When an employee is not certain of the correct response to an inquiry from the public, he/she should refer the inquiry to the individual or the department that can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge that to provide erroneous information.

13. A County employee’s commitment is public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the County or other refusal to work shall cause the employee to forfeit his/her employment and result in the termination of the employee from the County.

NOTE: The above Code of Ethics for county officials and employees generally follows the requirements of Arkansas Code Annotated 14-14-1202. (Amendment 55, Act 742 or 1977, as amended.)

CHAPTER IV

WORK REQUIREMENTS

1. For payroll purposes the standard work week for Pope County shall begin at 12:00 A.M. on Monday and end at 11:59 P.M. the following Sunday. The standard workday shall began at 12:00 A.M. and end at 11:59 P.M. The standard workweek will be forty (40) hours. A pay period shall consist of two standard workweeks with the exception of emergency services (Law enforcement, EMS). Excluding Elected Officials, on or after January 1, 2012 all new full time and part time employees hired will be held back one (1) week of pay. Upon termination or retirement of an employee hired on or after January 1, 2012 he/she will receive the held back wages for this one (1) week period at the employees’ current hourly rate of pay.

2. All employees are expected to work those hours prescribed and scheduled by their Elected Official/Department Head. The Elected Official/Department Head should schedule the hours of his or her employees so that each employee works no more than forty (40) hours in any workweek with the exception of emergency services (Law Enforcement, EMS).

3. The Pope County Courthouse will be open to transact business from 8:00 a.m. to 4:30 p.m. Monday through Friday, with the exception of set-out holidays per policy. The work schedule including breaks for each employee will be determined by the Elected Official/Department Head.

4. Employees shall be in attendance at their work in accordance with the rules and hours established by the elected official or department head.

5. Each elected official or department head shall keep a daily record of all absentees (vacations, sick leave etc.) of each county employee. These records will be reviewed and signed by both the elected official/department head and the employees as to correctness.
6. Each elected official or department head is responsible for reporting any reduction in pay for an employee to the payroll department.

7. Absence of an employee from work, including any absence for a single or part of a day that is not authorized by the elected official or department head, shall be deemed to be an absence without leave. Any such absence shall be without pay and the employee who is absent for three (3) consecutive days without approved leave shall be deemed to have resigned.

8. No outside employment of a continual nature will be allowed unless it is approved by the elected official and/or department head. Under no circumstances will a person be allowed to work at a job, which conflicts in any way with duties as a county employee.

9. A personnel file shall be maintained on each employee by elected officials and/or department heads.

10. County employees may be recommended for promotion and/or salary increases by their immediate supervisor subject to approval/disapproval by the elected official or department head. Elected officials and/or department heads will submit approved recommendations to the Quorum Court for determination of fund availability and court approval.

11. In order for an employee to resign in good standing from his or her job, the employee must give the elected official and/or department head at least two (2) weeks written notice. The resignation should contain reasons for leaving the employment of the county. The employee's resignation shall be documented in the employee's personnel file.

12. If an employee through no fault of his or her own is terminated because of reduction of work force or elimination of a position and if rehired within one year, then employment is considered continuous for the purpose of determining vacation leave and/or seniority.

13. (A) All Pope County employees, excluding Elected Officials/Department Heads must document their work day. The only exclusion shall be when it is not practical for an employee to physically log in or out. This exclusion shall be determined by the Elected Official/Department Head.

   (B) All employees must document lunch breaks, if the Elected Official/Department Head has determined the employee will be provided an un-interrupted lunch break. If the employee leaves their official work place for their lunch break, they must log in and out.

   (C) All documented work time shall be with a time recording system that is approved by the Arkansas Department of Labor.

CHAPTER V

EMPLOYEE COMPENSATION AND FRINGE BENEFITS

1. EMPLOYEE COMPENSATION

   A. The policy of the county shall be to pay salaries based upon an employee's level of skill, responsibility, education, and experience. Such salaries shall also depend upon funds available to the county.
B. The County is required by law to withhold taxes based upon information furnished by the employee at the time of employment. Any change in status, which would affect tax liability or change in beneficiary, should be reported to the employee's supervisor (W-4, number of dependents, changes in group Insurance coverage, etc.)

C. Pope County shall pay all employees every two- (2) weeks on Friday, unless that day falls on a holiday. In this event, payday will be the last working day before the holiday. Salaries are calculated on annual basis from January 1 through December 31, but shall be paid in equal payments every two- (2) weeks except as adjustments are needed on the first and final pay periods of the calendar year.

D. On special occasions or in unusual circumstances an elected official or department head may determine that non-exempt employees (defined as NOT employed in a bonafide “executive, administrative or professional capacity”) will be entitled to overtime compensation as needed to work extra hours in addition to the Standard Work Week. When the elected official or department head decides there is legitimate cause for extra hours to be worked by employee’s in their office, they shall have the authority to approve an extension of the employee’s work week. Exempt employees are not eligible for overtime pay under any circumstances.

E. Time worked in excess of 40 hours per week is overtime and will be paid at the rate of time and one-half the regular rate of hourly wage, or if the employer and employee agree prior to accrual of overtime, the employee may be granted compensatory time off at the rate of time and one-half for all overtime worked in excess of 40 hours per week (one and one-half hours for each one hour of overtime worked.) At the discretion of the elected official/department head all overtime accumulated during the calendar year will either be taken off as compensatory time by the end of that calendar year or be paid at the end of that calendar year. However, overtime received in the last quarter of the year will be allowed to be carried over to the following year at the discretion of the elected official or department head.

F. It is the employee's responsibility to provide contemporaneous written documentation of overtime authorized by the appropriate elected official or department head.

G. The following deductions from each employee’s paycheck is required by law:
   1. Federal income tax withholding.
   2. State income tax withholding.
   4. Medicare.
   5. Retirement contributions (eligible employees only).
   6. Deductions authorized by law, such as garnishments, child support.

Additional deductions, which are optional and may be requested by the employee include:
   Payment of health, dental, vision or voluntary insurance premiums for the employee or dependents offered by the County’s benefit plan.

NOTE: Pope County has the following publications, which contain federal regulations on overtime compensation on file in the County Clerk's and Payroll Office:

WH Publications 1282, Published by the Fair Labor Standards Act.
WH Publication 1325, Published by the Fair Labor Standards Act.
2. **FRINGE BENEFITS**

ELIGIBILITY FOR VACATION LEAVE OR OTHER EMPLOYEE BENEFITS DOES NOT CREATE ANY PROPERTY RIGHT IN EMPLOYMENT OR ANY EXPECTANCY OF CONTINUED EMPLOYMENT.

A. **RETIREMENT**

The employees of Pope County are covered by the Social Security System and the AR Public Employees Retirement System and its’ rules and regulations.

B. **INSURANCE**

1) Medical Insurance

Pope County may, at its discretion, provide a plan of group medical insurance to full-time County employees. Part-time (under 30 hours per week) or seasonal employees (fewer than 90 days per year) are not considered to be full time status employees and are not eligible to participate in the health insurance plan or voluntary policies offered by the County. The cost of the coverage for the employee may, at the county's discretion, be paid by Pope County. Coverage for the families of individual employees may be provided if desired by the employee and shall be at the employee's expense.

If the employee chooses the Family Coverage, when he is first employed then family members are enrolled without completing a medical application. If at a later date the employee desires to add family coverage then a medical application is required and if the Insurance Carrier does not accept because of pre-existing health problems then Pope County will deny coverage.

Continuation of coverage for employees who would otherwise lose coverage as a Result of certain events will be offered coverage in accordance with regulations resulting From the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and the Tax Reform Act of 1986. (The COBRA publications can be obtained from the U.S. Department Of Labor.)

(For purposes of COBRA administration health plan is defined as FSA, Medical, Dental and Vision policies.)

2) **LONG TERM DISABILITY INSURANCE**

Effective 01/01/99 for all full time county employees. Coverage is determined by the Quorum Court.
C. VACATION

Employees will receive compensation at their normal rate of pay for all vacation leave. This compensation will be paid at the regularly scheduled pay period following the use of vacation leave. The county shall maintain the following vacation eligibility requirements and the listed vacation rates shall accrue on a pro-rata basis:

Vacation days will be calculated on an eight (8) hour workday.

**SCHEDULE FOR THOSE EMPLOYEES HIRED BEFORE: JULY 2, 2009**

1) All regular full-time employees who have been employed continuously for a period of one (1) year through two (2) years shall be allowed five (5) work days of vacation per year with pay.
2) All regular full-time employees who have been employed continuously for a period of three (3) years through six (6) years shall be allowed ten (10) workdays of vacation leave per year.
3) All regular full-time employees who have been employed continuously for a period of seven (7) years through ten (10) years shall be allowed fifteen (15) workdays of vacation leave per year.
4) All regular full-time employees who have been employed continuously for a period of eleven (11) years through fifteen (15) years shall be allowed twenty (20) workdays of vacation leave per year.
5) All regular full-time employees who have been employed continuously for a period of sixteen (16) years or more will receive twenty (20) workdays of vacation plus one (1) day per year for each additional year over fifteen (15) with a maximum of twenty-five (25) days vacation leave.

**SCHEDULE FOR THOSE EMPLOYEES HIRED AFTER: JULY 3, 2009**

1) All regular full-time employees who have been employed continuously for a period of one (1) year through two (2) years shall be allowed five (5) work days of vacation per year with pay.
2) All regular full-time employees who have been employed continuously for a period of three (3) years through nine (9) years shall be allowed ten (10) workdays of vacation leave per year.
3) All regular full-time employees who have been employed continuously for a period of ten (10) years through fourteen (14) years shall be allowed fifteen (15) workdays of vacation leave per year.
4) All regular full-time employees who have been employed continuously for a period of fifteen (15) or more years shall be allowed twenty (20) workdays of vacation leave per year.

Vacation leave shall be scheduled by the elected officials or department head who shall take into consideration the wishes or the needs of the County. Vacation leave shall ordinarily be taken in at least one-week increments, but variations may be granted for good cause. Employees are to be encouraged to utilize their full vacation leave each year. Any un-used additional vacation days not used will be forfeited. No more than ten (10) days of vacation will be scheduled as one increment.
Employees who are separated from employment with the county shall receive compensation for their accrued vacation leave up to the maximum specified above. The estate or next of kin of employees separated from employment by death shall be compensated for the accrued vacation leave of the deceased employee at regular rate of pay.

D. SICK LEAVE

All full-time employees with Pope County are eligible for sick leave with pay. Sick leave shall accrue at the rate of one (1) day of sick leave for each calendar month of the employee's service with the county. All accumulated leave, which is not used in any year, may be carried over as accumulated leave for the succeeding years up to a maximum of ninety (90) working days.

Sick days will be calculated on an eight (8) hour work day.

An employee may be eligible for sick leave due to a personal illness or physical incapacity resulting from causes beyond the employee's control, or due to illness in the immediate family which would require the employee to take care of the family. See immediate family definition under BEREAVEMENT LEAVE.

An employee who is unable to report for work due to one of the designated reasons shall make a reasonable effort to report the reasons for his/her absence to their supervisor or someone acting for their supervisor one (1) hour before their scheduled time to report to work. Sick leave with pay shall not be allowed unless such report has been made. Proper sick leave forms shall be completed and forwarded to the elected official or department head's office immediately after each leave.

For each day of sick leave taken beyond two consecutive days, employees must present a written statement from a physician certifying that the employee's condition prevented him/her from appearing for work and indicating when the employee can return to work. If an employee accepts sick leave benefits based on false statements or evidence, he/she shall be subject to severe disciplinary action, which could include termination. The County reserves the right to investigate any application for sick leave, including examination of satisfactory medical proof of sickness or disability.

Employees who are separated from employment with the county shall not be paid for accumulated sick leave with the exception of: Ordinance No. 2007-O-42 employees that qualify for benefits under the Arkansas Public Employees Retirement System (APERS) and have 5 or more years of continuous full-time service with Pope County, and have been separated from employment with Pope County for a maximum of sixty (60) days at the time they begin receiving retirement benefits will be paid a maximum of sixty (60) days at a rate of $50.00 per day for unused accumulated sick leave upon receiving retirement benefits from APERS. Employees not meeting the years of continuous service or APERS requirements who are separated from employment with the county shall not be paid for accumulated sick leave.

Elected officials and/or department heads may, at their discretion, approve up to five (5) sick days per year as use as personal days by employees. Employee shall not fall under 40 hours of sick time to use a sick day as a personal day (example: must have 48 hours of sick time to take 1 day of personal, must have 56 hours of sick time to take 2 personal days). The use of a sick day as a personal day requires the prior approval of the elected official and/or department head.
Proper sick leave forms must be used to document such an exception. Each day used as a personal day counts as the use of a sick day.

E. MILITARY LEAVE
In the time of war or national emergency, full-time employees are entitled to receive a leave of absence without pay upon joining or being called into the military services of the United States. Employees are entitled to this leave for as long as they are on active duty with the Armed Forces unless they become members of the Regular Armed Forces. After receiving an honorable discharge or its equivalent, they will have the right to return to their old position with the county in accordance with the Uniform Services Employment and Redeployment Rights Act (USERRA) (Copy attached). Members of a reserve component of the Armed Forces are entitled to attend encampments or training if called. When called, the employee shall present the military orders to his or her supervisor. Military leave with pay shall not exceed guidelines set out per ACA 21-4-102 and A.C.A. 21-4-212(Copies attached). Any additional time required shall be allowed as leave without pay.

F. MATERNITY LEAVE
County employees shall be granted maternity leave upon written request to and approval by the elected official and/or department head. As long as duties are performed efficiently and doctor's approval has been obtained, the employee may continue working. Such leave may be counted against unused vacation time.

NOTE: See Chapter I section 13 on Family and Medical Leave.

G. BEREAVEMENT LEAVE
Emergency leave with pay up to a maximum of three (3) calendar days in case of death or imminence of death in the immediate family may be granted. Travel time may be granted upon prior approval of the elected official/department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary. Any additional leave will be at the discretion of the elected official/department head per accrued vacation time or compensatory time or as an unpaid leave of absence. Definition of Immediate Family for the purpose of the leave shall include spouse, parent, brother, sister, child, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, step children, step parents.

H. OCCUPATIONAL INJURY LEAVE
1) Any employee who is on leave arising from occupational injury while performing work for the county shall receive full salary the first seven (7) days. Thereafter the employee shall receive pay based upon accumulated sick leave credited to the employee at the time of injury.
2) If the employee has used all accumulated sick leave time and has still not returned to work the county shall have the employee's name placed on an inactive status without pay unless additional circumstances justify action by the Quorum Court.
3) If an employee is covered by Worker's Compensation insurance and is eligible to receive payment from that policy for loss of work time due to an occupational injury, the employee will receive the difference between regular salary and the amount payable under the worker's compensation insurance coverage. Such payment for sick leave will last for as many days as the employee had accrued before the incident. The number of days allowed is determined by the ratio of regular salary to the amount received from loss of work time under the worker's compensation insurance. When all accumulated sick leave is used in this manner, payment from the county will cease.
I. ACCIDENTAL INJURY LEAVE
If an employee is covered by county health and accident insurance and is eligible to receive payment from that policy for loss of work time due to an accident, the employee will receive the difference between regular salary and the amount payable under the insurance coverage. Such payment for sick leave will last as many days as the employee had accumulated and the amount of sick leave charged to the employer is determined by the ratio of regular salary to the amount received for loss of work time under the county's policy.

J. JURY OR WITNESS LEAVE
County employees may be excused from work with pay without charge to earned leave if subpoenaed as a witness or jury member in a court case. Full-time employees on a jury or witness leave shall receive their regular pay and retain all jury fees. The county shall not apply jury or witness leave to cases where the employee is personally involved in a suit or litigation.

K. HOLIDAYS
1) The following holidays will be observed:

   New Year’s Day
   Martin Luther King's Birthday observed
   President's Day observed
   Good Friday
   Memorial Day
   Independence Day
   Labor Day
   Veteran’s Day
   Thanksgiving Day
   Day after Thanksgiving
   Christmas Eve
   Christmas Day

2) When a holiday falls on Sunday, the following day will be observed as a holiday. When a holiday falls on a Saturday, the preceding day will be observed as a holiday.

   NOTE: WITH REGARD TO THE VACATION, SICKNESS, AND OTHER FRINGE BENEFITS OUTLINED HEREIN, IT MUST BE UNDERSTOOD THAT THESE BENEFITS ARE NOT REQUIRED BY LAW NOR ARE THEY GUARANTEED BY THE COUNTY. NO CONTRACT IS ENTERED INTO BY THE COUNTY WITH ANY EMPLOYEE, NOR DOES THE COUNTY INCUR ANY DEBT OR OBLIGATION.

L. CAFETERIA PLAN
The county offers a Cafeteria Plan to the employees as authorized under Section 125 of the IRS code.

M. CATASTROPHIC LEAVE TRANSFER PROGRAM

*Ordinances Attached
CHAPTER VI
DISCIPLINARY ACTION

1. Disciplinary action taken against an employee will be one of the following:

   A. A verbal reprimand will be given to the employee with documentation of the reprimand placed in the employee's personnel file.
   B. A written reprimand will be given to the employee. A written reprimand is a written statement detailing the employee's alleged misconduct and informing the employee of the more severe disciplinary action the employee may be subject to in the event of repeated misconduct.
   C. Employees may be suspended for up to four (4) weeks without pay for repeated or serious acts of misconduct.
   D. Employees may be terminated for repeated acts of misconduct or for a serious breach of conduct.

CHAPTER VII
TRAVEL

1. The OFFICIAL STATION for county employees will be Russellville, AR.

2. The travel day shall commence at 6:00 a.m., include breakfast, lunch, dinner, and one night's lodging, and shall end the following morning at 6:00 a.m. The maximum amount reimbursable to the traveler for one travel day that includes all four allowable items is $130.00 plus tax for in state and border area travel, and $160.00 for out-of-state travel reimbursement, the traveler must show the out-of-state rate for sales tax on the travel expense statement. The daily allowance for meals and lodging shall be limited to:

   - Meals $35.00 per day plus tax
   - Lodging $95.00 per day ($95 instate, $125 out of state plus tax)

   County employees may use the total amount not to exceed $130.00 (or $160.00 for out-of-state travel) for lodging only. This allowance is per employee and not per office. County employees will be reimbursed for actual expenses up to $35.00 plus tax for meals per day. Itemized receipts must accompany claims presented for reimbursements. Per Act 74 of 2009 (ACA 14-14-1207 (b2) reimbursement for meal tips shall not exceed fifteen percent (15%) of the purchase amount of the meal. Under no circumstances will an employee be reimbursed for alcohol purchased with meal.

   For partial calendar days where all four items are not included in the travel claim, the allowances for reimbursement should be reasonable and proportionate to amounts claimed for the same items when all four items are included. Reimbursement is to be claimed for actual expenses for meals and lodging within the limitations set by law and the maximum must not be claimed unless actual expenditures for such purposes were actually made.

   The County will not pay for any entertainment expenses, including but not limited to rental of movies, attendance to non-seminar or non-job related activities or for alcoholic beverages.
The traveler is responsible for obtaining itemized receipts to support the items listed on the Travel Expense Reimbursement form (TR-1). This applies especially to expenses for lodging and commercial transportation and basic/economy vehicle rental.

The maximum for meals and lodging allowances may be exceeded per written authorization of the Elected Official when the cost of a convention registration/lodging exceeds the allowances as set forth in this policy.

Reimbursements cannot be claimed for meals and lodging within the city or town designated as the traveler's Official Station with the exception of the current IRS regulation per the Taxable Fringe Benefits Guide meet the following guidelines:

1. The main purpose of the combined business and meal is the active conduct of business,
2. Business is actually conducted during the meal period, and
3. There is more than a general expectation of deriving income or some other specific business benefit at some future time.

When privately owned motor vehicles are used for authorized travel on county business, the owner can claim reimbursement at the current rate set by the State of Arkansas. It is the responsibility of the County Clerk’s Accounts Payable Department to keep up with the current rates being paid to state employees for travel. The maximum mileage allowed will be determined by the shortest major highway route. Whenever private automobile mileage is claimed for Official Station travel, the following practice should be adhered to:

The shortest distance to the destination should be claimed. If the shortest distance is from the Official Station, that distance should be listed on the TR-1 form. If more than one traveler is transported in the same vehicle, only the owner can claim mileage reimbursement. The county will reimburse for official miles driven only. The county assumes no responsibility for any maintenance, insurance, operational costs, accidents, or fines incurred by the owner of the vehicle while on official business for the county.

Use of a privately-owned vehicle for county business, requires the driver to possess a valid driver’s license and automobile insurance.

Expenses necessarily associated with authorized automobile travel, as described above, such as tolls and parking will be fully reimbursed upon presentation of the original receipt.
EXHIBIT #1

14-14-805. Powers denied.

Each county quorum court in the State of Arkansas exercising local legislative authority is prohibited the exercise of the following:

(1) Any legislative act that applies to or affects any private or civil relationship, except as an incident to the exercise of local legislative authority;

(2) Any legislative act that applies to or affects the provision of collective bargaining, retirement, workers' compensation, or unemployment compensation. However, subject to the limitations imposed by the Arkansas Constitution and state law regarding these subject areas, a quorum court may exercise any legislative authority with regard to employee policy and practices of a general nature, including, but not limited to, establishment of general vacation and sick leave policies, general office hour policies, general policies with reference to nepotism, or general policies to be applicable in the hiring of county employees. Legislation promulgated by a quorum court dealing with matters of employee policy and practices shall be applicable only to employees of the county and shall not apply to the elected county officers of the county. Legislation applying to employee policy practices shall be only of a general nature and shall be uniform in application to all employees of the county. The day-to-day administrative responsibility of each county office shall continue to rest within the discretion of the elected county officials;

(3) Any legislative act that applies to or affects the public school system, except that a county government may impose an assessment, where established by the General Assembly, reasonably related to the cost of any service or specific benefit provided by county government and shall not apply to the elected county officers of the county. Legislation applying to employee policy practices shall be only of a general nature and shall be uniform in application to all employees of the county. The day-to-day administrative responsibility of each county office shall continue to rest within the discretion of the elected county officials;

(4) Any legislative act which prohibits the grant or denial of a certificate of public convenience and necessity;

(5) Any legislative act that establishes a rate or price otherwise determined by a state agency;

(6) Any legislative act that defines as an offense conduct made criminal by state law, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of five hundred dollars ($500) for any one (1) specified offense or violation, or double that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed two hundred fifty dollars ($250) for each day that it may be unlawfully continued;

(7) Any legislative act that applies to or affects the standards of professional or occupational competence as prerequisites to the carrying on of a profession or occupation;

(8) Any legislative act of attainder, ex post facto law, or law impairing the obligations of contract shall not be enacted, and no conviction shall work corruption of blood or forfeiture of estate;

(9) Any legislative act which grants to any citizen or class of citizens privileges or immunities which upon the terms shall not equally belong to all citizens;

(10) Any legislative act which denies the individual right of property without just compensation;
(11) Any legislative act which lends the credit of the county for any purpose whatsoever or upon any interest-bearing evidence of indebtedness, except bonds as may be provided for by the Arkansas Constitution. This subdivision does not apply to revenue bonds which are deemed not to be a general obligation of the county;

(12) Any legislative act that conflicts with the exercise by municipalities of any expressed, implied, or essential powers of municipal government;

(13) Any legislative act contrary to the general laws of the state.


Cross References. Ordinances declaring agricultural operations nuisances void, § 2-4-105.

CASE NOTES

Analysis

Acts of attainder.
County employees.
Public school systems.

Acts of Attainder.
All regulations, zoning or otherwise, which affect landowners are not acts of attainder. Johnson v. Sunray Servs., Inc., 396 Ark. 497, 816 S.W.2d 582 (1991).

County Employees.
A county ordinance that provided a comprehensive scheme of employment policies for county employees including procedural steps to be followed in terminating their employment was clearly authorized by subdivision (2), and where a sheriff failed to establish the existence of any state decisional or positive law that contradicted the presumption that the ordinance and statute were constitutionally valid, the sheriff was required to comply with the ordinance's notice and grievance procedures in order to terminate the employment of his deputy sheriffs. Wilson v. Robinson, 668 F.2d 380 (8th Cir. 1981).

A county ordinance that expressly required that a county employee be given two weeks notice prior to involuntary termination, that the reasons for such action had to be filed in writing, and that the employee had a right to appeal such action to a grievance board, did not, on its face, or as applied to sheriff's deputies, violate the separation of powers doctrine under Arkansas law by encroaching upon the executive branch of county government. Wilson v. Robinson, 668 F.2d 380 (8th Cir. 1981).

Public School Systems.
Where the General Assembly has not otherwise provided, the interest earned on school taxes collected belongs to the schools; therefore, a county quorum court ordinance that authorized the county collector to deposit into the county general fund all interest earned on school tax moneys held by the collector prior to transfer of those funds to the county treasurer was invalid, since the ordinance permitted the county to use the school tax money to earn money for the county without passing on any of the interest earned to the school districts, and also since the county was prohibited from passing any legislation "affecting public school systems," which this ordinance surely did affect. Mears v. Little Rock School Dist., 268 Ark. 30, 593 S.W.2d 42 (1980).

Where the General Assembly had not passed any legislation establishing an "assessment" reasonably related to the cost of any service or specific benefit provided by the county government, the county quorum court was without the authority to order the school districts to pay a pro rata share of the salaries and expenses incurred in the collection of taxes by the county officers, other than the assessor's office. Mears v. Little Rock School Dist., 268 Ark. 30, 593 S.W.2d 42 (1980).

ticipate in an unlawful arrest and thus was entitled to qualified immunity when he directed the county sheriff to arrest a truck driver after the driver's truck had caused a bridge to collapse under the truck's weight. Robinson v. White County, 452 F.3d 706 (8th Cir. 2006), aff'd in part, vacated in part, 459 F.3d 900 (8th Cir. 2006).

**Subchapter 8 — Legislative Powers**

**SECTION.**

14-14-811. County judge's salary.

14-14-813. Authority to regulate unsanitary conditions.

**SECTION.**

14-14-814. Authority to regulate private communities.

14-14-805. Powers denied.

**CASE NOTES**

County Employees.

Defendants did not violate this section as the county quorum court did not pass any ordinance that prohibited the practice of collective bargaining, nor did it prescribe the manner in which collective bargaining should be utilized; the quorum court merely expressed its intent not to renew the collective bargaining agreement with the union and the county employees. AFSCME, Local 380 v. Hot Spring County, 362 F. Supp. 2d 1035 (W.D. Ark. 2004).

14-14-811. County judge's salary.

(a) The quorum court of each county is authorized to pay a portion of the salary and related matching benefits of the county judge from the county road fund and the county solid waste fund.

(b)(1) The portion of the county judge's salary paid from the county road fund shall not exceed fifty percent (50%); and

(2) The portion paid from the county solid waste fund shall not exceed thirty-four percent (34%).

(c) However, the portion to be paid from the county general fund shall be at least one-third ($\frac{1}{3}$) of the total salary and matching benefits.

**History.** Acts 1987, No. 675, § 2; 1999, No. 725, § 1. **Amendments.** The 1999 amendment rewrote this section.

14-14-813. Authority to regulate unsanitary conditions.

(a) To the extent that it is not inconsistent with the powers exercised by incorporated towns and cities of the first class and cities of the second class under § 14-54-801 et seq., counties are empowered to order the owner of real property within the county to:

(1) Abate, remove, or eliminate garbage, rubbish, junk as defined in § 27-74-402, and other unsightly and unsanitary articles upon property situated in the county; and

(2) Abate, eliminate, or remove stagnant pools of water or any other unsanitary thing, place, or condition that might become a breeding place for mosquitoes and germs harmful to the health of the community.
14-14-1202. Ethics for county government officers and employees.

(a) Public Trust. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his or her family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

(b) Officers and Employees of County Government Defined. (1) For purposes of this section, officers and employees of county government shall include:

(A)(i) All elected county and township officers;
(ii) All district judicial officers serving a county; and
(iii) All members of county boards, advisory, administrative, or subordinate service districts; and

(B) All employees thereof.

(2) Officials who are considered to be state officers or deputy prosecuting attorneys are not covered by this subsection.

(c) Rules of Conduct. (1) No officer or employee of county government shall:

(A)(i) Be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the county or an entity created by the county, or accept or receive any property, money, or other valuable thing for his or her use or benefit on account of, connected with, or growing out of any contract or transaction of a county.
(ii)(a) If in the purchase of any materials, supplies, equipment, or machinery for the county, any discounts, credits, or allowances are given or allowed, they shall be for the benefit of the county.

(b) It shall be unlawful for any officer or employee to accept or retain them for his or her own use or benefit;

(B) Be a purchaser at any sale or a vendor of any purchase made by him or her in his or her official capacity;

(C) Acquire an interest in any business or undertaking which he or she has reason to believe may be directly affected to its economic benefit by official action to be taken by county government;

(D)(i) Perform an official act directly affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.

(ii) Substantial financial interest is defined for purposes of this section as provided in Acts 1971, No. 313, § 7 [Repealed].

(2)(A)(i) If the quorum court determines that it is in the best interest of the county, the quorum court may by ordinance permit the county to purchase goods or services directly or indirectly from quorum court members, county officers, or county employees due to unusual circumstances.

(ii) The ordinance permitting the purchases must specifically define the unusual circumstances under which the purchases are allowed and the limitations of the authority.

(B) Any quorum court member having any interest in the goods or services being considered under these procedures shall not be entitled to vote upon the approval of the goods or services.

(C) If goods or services are purchased under these procedures, the county judge must file an affidavit, together with a copy of the voucher and other documents supporting the disbursement, with the county clerk certifying that each disbursement has been made in accordance with the provisions of the ordinance.

(3)(A) No person shall simultaneously hold office and serve as an elected county justice of the peace and hold office and serve as an elected city council member.

(B) This subdivision (c)(3) shall not cut short the term of any office holder serving as such on September 1, 2005, but shall be implemented during the next election cycle of each office.

(d) Removal from Office or Employment. (1) Court of Jurisdiction. Any citizen of a county or the prosecuting attorney of a county may bring an action in the circuit court in which the county government is located to remove from office any officer or employee who has violated the rules of conduct set forth in this section.

(2) Suspension Prior to Final Judgment. (A) Pending final judgment, an officer or employee who has been charged as provided in this section may be suspended from his or her office or position of employment without pay.

(B) Suspension of any officer or employee pending final judgment shall be upon order of the circuit court or judge thereof in vacation.
(3) **Punishment.** (A) Judgment upon conviction for violation of the rules of conduct set forth in this section shall be deemed a misdemeanor.

(B) Punishment shall be by a fine of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), and the officer or employee shall be removed from office or employment of the county.

(4) **Acquittal.** Upon acquittal, an officer or employee shall be reinstated in his or her office or position of employment and shall receive all back pay.

(5) **Legal Fees.**

(A) Any officer or employee charged as provided in this section and subsequently acquitted shall be awarded reasonable legal fees incurred in his or her defense.

(B)(i) Reasonable legal fees shall be determined by the circuit court or Arkansas Supreme Court on appeal.

(ii) Such legal fees shall be ordered paid out of the general fund of the county treasury.

14-14-1311. Removal from office.

The circuit court shall have jurisdiction, upon information, presentment, or indictment, to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

History. Acts 1977, No. 742, § 53;

(a) In every case of adjudication:
(1) All parties shall be afforded an opportunity for hearing after reasonable notice.
(2) The notice shall include:
   (A) A statement of the time, place, and nature of the hearing;
   (B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
   (C) A short and plain statement of the matters of fact and law asserted.
(3) In every case of adjudication wherein an agency seeks to revoke, suspend, or otherwise sanction a license or permit holder, the agency or its attorney, upon the request of the license or permit holder, must provide the following information prior to conducting a hearing of adjudication:
   (A) The names and addresses of persons whom the agency intends to call as witnesses at any hearing;
   (B) Any written or recorded statements and the substance of any oral statements made by the license or permit holder, or a copy of the same;
   (C) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations, scientific tests, experiments, or comparisons, or copies of the same;
   (D) Any books, papers, documents, photographs, or tangible objects which the agency intends to use in any hearing or which were obtained from or belong to the license or permit holder, or copies of the same;
   (E) Disclosure shall not be required of research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the agency or members of his staff or other state agents.
(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
(5) The record shall include:
   (A) All pleadings, motions, and intermediate rulings;
   (B) Evidence received or considered, including, on request of any
        party, a transcript of oral proceedings or any part thereof;
   (C) A statement of matters officially noticed;
   (D) Offers of proof, objections, and rulings thereon;
   (E) Proposed findings and exceptions thereto; and
   (F) All staff memoranda or data submitted to the hearing officer or
        members of an agency in connection with their consideration of the
        case.

(6) Findings of fact shall be based exclusively on the evidence and on
matters officially noticed.

(7) If the agency is authorized by law to issue subpoenas for the
attendance and testimony of witnesses and the production of doc-
uments or things, then any party shall to the same extent be so
authorized, and the agency shall issue a subpoena forthwith on written
application thereof.

(b) Nothing in this subchapter shall prohibit informal disposition by
stipulation, settlement, consent order, or default.

History. Acts 1967, No. 434, § 8;
A.S.A. 1947, § 5-708, Acts 1993, No. 1083,
§ 1.

RESEARCH REFERENCES

Ark. L. Notes. Watkins, Using the
Freedom of Information Act as a Discov-

CASE NOTES

Applicability.
The discretionary authority for an adju-
dicatory or administrative hearing con-
tained in former § 23-32-1203(e) pre-
cludes the application of subdivision (a)(3)
of this section by virtue of § 25-15-211.
Simply stated, in this situation the Ad-
ministrative Procedure Act does not apply
to the activities of the state bank commis-
sioner. First Nat'l Bank v. Arkansas State
Bank Comm'r, 301 Ark. 1, 781 S.W.2d 744
(1989).

Cited: Franklin v. Arkansas Dept of
Human Servs., 319 Ark. 468, 892 S.W.2d
262 (1995); Brown v. Arkansas State
Heating, Ventilation, Air Conditioning &
Refrigeration Licensing Bd., 336 Ark. 34,
984 S.W.2d 402 (1999).
14-14-1101. Powers of county judge generally.

(a) Arkansas Constitution, Amendment 55, § 3, established the following executive powers to be administered by the county judge:

1. To preside over the county quorum court, without a vote but with the power of veto;
2. To authorize and approve disbursement of appropriated county funds;
3. To operate the system of county roads;
4. To administer ordinances enacted by the quorum court;
5. To have custody of county property; and
6. To hire county employees, except those persons employed by other elected officials of the county.

(b) In the performance of such executive duties, the county judge shall be bonded in the manner provided by law, as required in Arkansas Constitution, Amendment 55, § 6.


A.C.R.C. Notes. Acts 1997, No. 394, § 1, codified as § 14-14-1107, should have been merged with this section. The section has been codified as § 14-14-1107.

Publisher's Notes. Acts 1981, No. 994 became law without the Governor's signature on April 8, 1981.

Acts 1983, No. 183, § 3, provided that the General Assembly recognizes that the provisions of Acts 1981, No. 994 were confusing and contained language that could not be reconciled; that Acts 1981,
14-14-1102. Exercise of powers by county judge.

(a) Performance. The General Assembly determines that the executive powers of the county judge as enumerated in Arkansas Constitution, Amendment 55, § 3, are to be performed by him in an executive capacity and not by order of the county court.

(b) Procedures. In the exercise of the executive powers of the county judge as enumerated, the county judge shall adhere to the following procedures:

1) Operation of System of County Roads, Bridges, and Ferries.

(i) The county judge shall be responsible for the administrative actions affecting the conduct of a plan of public roadways and bridges throughout the unincorporated areas of the county, including the maintenance and construction of public roadways and bridges and roadway drainage designated as eligible for expenditure of county funds. This jurisdiction shall be exercised pursuant to law, and nothing in this section shall be construed as limiting a county in performing public roadway and bridge maintenance and construction services within the incorporated municipal boundaries where permitted and in the manner prescribed by law.

(ii) For the purposes of this section, the term "bridges" shall include all structures erected over a river, creek, ditch, or obstruction in a public roadway. The county judge shall administer the operation of county-owned ferries.

(ii) The county court shall continue to exercise the powers granted by law for the granting of a right to maintain a ferry by a private individual at a particular place and at which a toll for the transportation of persons or property is levied to conduct an uninterrupted roadway over interrupted waters.
(ii) The quorum court may, by ordinance, establish appropriate procedures and schedules of tolls that may be charged by private individuals who are granted authority to operate a private ferry on connecting public roadways;

(2) Authorization and Approval of the Disbursement of Appropriated County Funds. (A)(i) All vouchers for the payment of county funds out of the county treasury shall be approved and filed by the county judge or his designated representative, who shall be appointed by executive order of the judge and who shall be bonded in an amount equal to the county judge’s bond in the manner provided by law.

(ii) Approval for payment shall be signified by the manual signature of the county judge, or his designated representative.

(iii) A copy of the executive order evidencing the designated representative’s appointment shall be filed in the office of county clerk with the original of the surety bond on the designated representative.

(B) Before approving any voucher for the payment of county funds, the county judge, or his designated representative, shall determine that:

(i) There is a sufficient appropriation available for the purpose and there is a sufficient unencumbered balance of funds on hand in the appropriate county fund to pay therefor;

(ii) The expenditure is in compliance with the purposes for which the funds are appropriated;

(iii) All state purchasing laws and other state laws or ordinances of the quorum court are complied with in the expenditure of the moneys;

(iv) The goods or services for which expenditure is to be made have been rendered and the payment thereof has been incurred in a lawful manner and is owed by the county. However, a county judge may approve, in advance, claims payable to the University of Arkansas Cooperative Extension Service for educational services to be rendered during all or part of the current fiscal year.

(C)(i) No money shall be paid out of the treasury until it shall have been appropriated by law and then only in accordance with the appropriation; and all contracts for erecting and repairing the public buildings in any county or for materials therefor, or for providing for the care and feeding of paupers where there are no public or private facilities or services available for such purpose, shall be given to the lowest possible bidder under such regulations as may be prescribed by law.

(ii) The county judge shall have the authority to enter into necessary contracts or other agreements to obligate county funds and to approve expenditure of county funds appropriated therefor in the manner provided by law.

(iii)(a) The county judge of each county may promulgate appropriate administrative rules and regulations, after notice and hearing thereon, for the conduct of county financial affairs.

(b) The administrative rules and regulations shall be consistent with the provisions of laws relating to financial management of
county government and the appropriate ordinances enacted by the quorum court.

(c) All such administrative rules and regulations adopted after hearings by the county judge shall be certified by the county judge and filed in the office of the county clerk to be open to public inspection at all normal hours of business.

(3) Custody of County Property. The county judge, as the chief executive officer of the county, shall have custody of county property and shall be responsible for the administration, care, and keeping of such county property, including the right to dispose of county property in the manner and procedure provided by law for the disposal of county property by the county court. The county judge shall have the right to assign or not assign use of such property whether or not the county property was purchased with county funds or was acquired through donations, gifts, grants, confiscation, or condemnation.

(4) Administration of Ordinances Enacted by the Quorum Court. The county judge shall be responsible for the administration and performing the executive functions necessary for the management and conduct of county affairs, as prescribed by ordinance of the quorum court, unless the performance of such duties is vested in the county court by ordinances enacted by the quorum court or by the general laws of this state.

(5)(A) Hiring of County Employees, Except Those Persons Employed by Other Elected Officials of the County. The county judge, as the chief executive officer of the county, shall be responsible for the employment of the necessary personnel or for the purchase of labor or services performed by individuals or firms employed by the county, or an agency thereof, for salaries, wages, or other forms of compensation.

(B)(i) "County or subdivisions thereof," for the purposes of this section, means all departments except departments administratively assigned to other elected officials of the county, boards, and subordinate service districts created by county ordinance.

(ii)(a) Jurisdiction for the hiring of employees of counties, administrative boards, or subordinate service districts may be delegated by ordinance to such board or service district, but where any county ordinance delegating authority to hire county employees interfering with the jurisdiction of the county judge, as provided in this section, it shall be implied that such delegation shall be performed only with the approval of the county judge.

(b) The jurisdiction to purchase the labor of an individual for salary or wages employed by other elected officials of the county shall be vested in each respective elected official.

(6)(A) Presiding over the Quorum Court Without a Vote, but With the Power of Veto. In presiding over the quorum court, the county judge shall perform such duties in connection therewith as may be provided by state law and in accordance with rules and procedures promulgated by the court for the conduct of its business.
(B) Nothing in this subdivision shall limit the veto power of the county judge as provided in Arkansas Constitution, Amendment 55. (7)(A) Accepting Gifts, Grants, and Donations from Federal, Public, or Private Sources. The county judge, as the chief executive officer, is authorized to accept, in behalf of the county, gifts, grants, and donations of real or personal property for use of the county. He may apply for, enter into necessary contracts, receive, and administer for and in behalf of the county, subject to such appropriation controls that the quorum court may elect to adopt by ordinance, funds from the federal government, from other public agencies, or from private sources.

(B) All such contracts or agreements shall be filed as public record with the county clerk.


Publisher's Notes. Acts 1981, No. 994 became law without the Governor's signature on April 8, 1981.

Amendments. The 1997 amendment added the last sentence in (b)(2)(B)(iv).

CASE NOTES

Analysis

Applicability

County employees.

County museum.

Expenditures.

Unlawful activities.

Applicability.

This section does not apply to bribes received by a county judge. Anderson v. Sharp County, 295 Ark. 366, 749 S.W.2d 306 (1988).

County Employees.

The county judge, as an executive officer of the county, is vested with responsibility with respect to hiring county employees and with respect to salaries, wages, and other forms of compensation. McCuen v. Jackson, 265 Ark. 819, 581 S.W.2d 326 (1979).

County museum.

Designation of county building as a museum was not an illegal exaction since subdivision (b)(3) of this section and Ark. Const. Amend. 55, § 3, provide that the County Judge is the custodian of county property and is therefore authorized to determine how county property shall be used, moreover, §§ 14-14-602(b)(2)(C)(i)(v) and 13-5-001 et seq. authorize the County to provide for a county museum. Haynes v. Faulkner County, 326 Ark. 557, 932 S.W.2d 328 (1996).

Expenditures.

By electing to appeal chancellor's award of a monetary judgment, the county judge was attempting to ensure that the requirements of this section that the expenses had been incurred in a lawful manner and that payment was owed by the county were met. Venhaus v. Pulaski County Quorum Court, 291 Ark. 558, 726 S.W.2d 668 (1987).

Unlawful Activities.

A trial court properly prohibited a county judge from leasing county property to private interests and from contracting to use county property and employees to perform services for, and supply materials to, private interests, since such activities by the county judge would violate Ark. Const., Art. 15, § 13, and Ark. Const., Art. 12, § 5. Pogue v. Cooper, 284 Ark. 105, 679 S.W.2d 207 (1984).

21-4-102. Leave of absence for certain training programs.

(a)(1) All employees of the state, as defined in § 21-4-203, or of any of its political subdivisions, who desire to take a leave of absence for the purpose of participating in the military training programs made available by the National Guard or any of the reserve branches of the armed forces and all state employees who are members of the Inactive Reserve Corps of the United States Public Health Service who desire to take a leave of absence for the purpose of participating in the civil defense and public health training programs made available by the United States Public Health Service shall be entitled to such a leave of absence for a period of fifteen (15) days plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one (1) calendar year.

(2) To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of the calendar year.

(b)(1) Whenever any employee is granted a leave of absence under the provisions of this section, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence.

(2) The leave of absence shall be in addition to the regular vacation time allowed to the employee.

(c)(1) Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. This leave shall be granted in addition to all other leave the employee shall be entitled to.

(2) “Emergency situations” shall have the same meaning as in § 21-4-212.

(d)(1) During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promo-
tional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.

(2) The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service and the employee shall not be required to make contributions to any retirement fund.

(3) The state or political subdivision shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

(e) Whenever any employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under the provisions of this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.

21-4-212. Military leave.

(a)(1) Employees who are members of the National Guard or any of the reserve branches of the armed forces shall be granted leave at the rate of fifteen (15) days per calendar year, plus necessary travel time for annual training requirements or other duties performed in an official duty status.

(2) To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of a calendar year.

(3) The leave shall be granted without loss of pay and in addition to regular vacation time.

(4) Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.
(b)(1) An employee who is drafted or called to active duty in the
armed forces of the United States or who volunteers for military service
shall be placed on extended military leave without pay and upon
application within ninety (90) days after the effective date of his or her
release from active duty shall be reinstated to the position vacated or an
equivalent position at no loss of seniority or any of the other benefits
and privileges of employment.
(2) The right of reemployment shall conform with all federal govern-
ment rules and regulations.
(c) Any employee who enlists or reenlists for a second consecutive
tour of military duty shall be deemed to have forfeited his or her
reemployment rights.
(d)(1) Personnel called to duty in emergency situations by the
Governor or the President shall be granted leave with pay not to exceed
thirty (30) working days after which leave without pay will be granted.
This leave shall be granted in addition to regular vacation time.
(2) "Emergency situations" means any case of invasion, disaster,
insurrection, riot, breach of peace, or imminent danger thereof, threats
to the public health or security, or threats to the maintenance of law
and order.
(e)(1) During any military leave of absence, the employee shall be
entitled to preserve all seniority rights, efficiency or performance
ratings, promotional status, retirement privileges, life and disability
insurance benefits, and any other rights, privileges, and benefits to
which the employee has become entitled.
(2) The period of military service shall, for purposes of computations
to determine whether such person may be entitled to retirement
benefits, be deemed continuous service, and the employee shall not be
required to make any contributions to any retirement fund.
(3) The state shall continue to contribute its portion of any life or
disability insurance premiums during the leave of absence on behalf of
the employee, if requested, so that continuous coverage may be main-
tained.
(f) Whenever any state employee as defined by § 21-4-203 or any
employee of a political subdivision is granted military leave for a period
of fifteen (15) days per calendar year or fiscal year, under the provisions
of this section, the military leave will accumulate for use in succeeding
calendar years or fiscal years until it totals fifteen (15) days at the
beginning of the calendar year or fiscal year, for a maximum number of
military leave days available in any one (1) calendar year or fiscal year
to be thirty (30) days.

A.S.A. 1947, § 12-2370; Acts 1989, No. 956, § 1, is also codified as §§ 6-17-306(d)
Leave of absence for certain training programs.

a) All employees of the state, as defined in § 21-4-203, or of any of its political subdivisions, who desire to take a leave of absence for the purpose of participating in the military training programs made available by the National Guard or any of the reserve branches of the armed forces and all state employees who are members of the active Reserve Corps of the United States Public Health Service who desire to take a leave of absence for the purpose of participating in the civil defense and public health training programs made available by the United States Public Health Service shall be entitled to such a leave of absence for a period of fifteen (15) days plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one (1) calendar year.

b) To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of the calendar year.

b)(1) Whenever any employee is granted a leave of absence under the provisions of this section, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence.

2) The leave of absence shall be in addition to the regular vacation time allowed to the employee.

c)(1) Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to all other leave the employee shall be entitled to.

2) "Emergency situations" shall have the same meaning as in § 21-4-212.

d)(1) During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.

2) The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service and the employee shall not be required to make contributions to any retirement fund.

3) The state or political subdivision shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

e) Whenever any employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under the provisions of another section of this chapter, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year. For a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.
Military leave.

a) Employees who are members of the National Guard or any of the reserve branches of the armed forces shall be granted leave at the rate of fifteen (15) days per calendar year, plus necessary travel time for annual training requirements or other duties performed in an official duty status.

b) The right of reemployment shall conform with all federal government rules and regulations.

(1) An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within ninety (90) days after the effective date of his or her release from active duty shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.

(2) Any employee who enrols or reenlists for a second consecutive tour of military duty shall be deemed to have forfeited his or her reemployment rights.

(3) Personnel called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time.

Emergency situations mean any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order.

(1) During any military leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which the employee has become entitled.

(2) The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service, and the employee shall not be required to make any contributions to any retirement fund.

(3) The state shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so the continuous coverage may be maintained.

Whenever any state employee as defined by

§ 21-4-202 or any employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year, under the provisions of this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.


http://www.arkleg.state.ar.us/assembly/ArkansasCode/27/21-4-212.htm 5/19/2009
YOUR RIGHTS UNDER USERRA
THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

**REEMPLOYMENT RIGHTS**

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**HEALTH INSURANCE PROTECTION**

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinsured in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions except for service-connected illnesses or injuries).

**ENFORCEMENT**

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USRA-00 or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/vets/.userva.htm.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

Filled this 25 day of July 2011
LAURA MCGUIRE, COUNTY CLERK
POPE COUNTY, ARKANSAS

[Signature]
A.M. P.M.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily post notices for employees.

(a) **Reimbursement Authorized.** All elected county and township officers, and employees thereof shall be entitled to receive reimbursement of allowable expenses incurred in the conduct of county affairs where the incurrence of expense is not discretionary in the conduct of duties assigned by law. Reimbursement of allowable expenses that are incurred in the performance of discretionary functions may be permitted where provided for by a specific appropriation of the county quorum court.

(b) **Allowance for Meals, Lodging, and Other Allowable Expenses.** All reimbursements for the purchase of meals, lodging, and other allowable expenses shall be based on the actual expense incurred.

(c) **Reimbursement of Travel Expense.** (1) **Privately Owned Motor Vehicles.** (A) Any elected county or township officer or employee thereof utilizing a privately owned motor vehicle in the conduct of county affairs may be reimbursed at a per-mile rate established by ordinance.

   (ii) Reimbursement shall be based only on official miles driven and legitimate automobile parking fees.

   (iii) Where more than one (1) traveler is transported in the same vehicle, only the owner shall be entitled to mileage reimbursement.

   (B) A county shall not assume responsibility whatsoever for any maintenance, operational costs, accidents, and fines incurred by the owner of the vehicle while on official business for the county.

(2) **Privately Owned Airplanes.** (A) Reimbursement for travel expense utilizing privately owned airplanes shall be at the same rate as established for privately owned motor vehicles.

   (B) However, reimbursement mileage shall be determined by the shortest highway route to and from the official destination.

History. Acts 1977, No. 742, § 111;
109, § 1.
ORDINANCE NO. 2010-O-7

AN ORDINANCE AMENDING THE POPE COUNTY PERSONNEL
POLICIES AND PROCEDURES DATED JULY 2, 2009, ADOPTED BY
ORDINANCE NO. 2009-O-34, AND ADOPTING A CATASTROPHIC
LEAVE TRANSFER PROGRAM FOR POPE COUNTY OFFICES AND
DEPARTMENTS AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE QUORUM COURT OF POPE COUNTY,
ARKANSAS:

WHEREAS, the County values its employees and wishes to provide ways to
help employees in need of assistance; and

WHEREAS, the County recognizes the financial hardships that are created
when an employee suffers a Catastrophic Illness or Injury that requires them to use
all accrued paid leave and are still not able to return to work upon the exhaustion
of all paid leave.

SECTION 1. The Pope County Personnel Employment and Procedures
Policy, filed with the County Clerk on July 9, 2009, adopted by Ordinance No.
2009-O-34, adopting general personnel policies and procedures for Pope County
Offices and Departments is hereby amended to read as follows:

SECTION 2: Chapter V (five) will now have under entitlement of
"Employee Compensation and Fringe Benefits" Section two (2) “Fringe Benefits”,
a sub-section G. to be entitled “Catastrophic Leave Transfer Program”.

SECTION 3: The regulations defining and classifying the qualifications for
an employee to participate or receive from the Catastrophic Leave Transfer
Program, filed with the County Clerk contemporaneously with the filing of this
ordinance and listed as Exhibit A, consisting of five (5) pages, to this ordinance, if
approved and adopted. Exhibit A to this ordinance is hereby made a part of this
ordinance by reference.

SECTION 4: The Pope County Personnel Policies and Procedures approved
by the Insurance, Welfare and Personnel Committee on June 15th, 2009 is hereby
amended with this new section and incorporated herein by reference as if set out
word for word, and page for page.

SECTION 5: The provisions of this Ordinance are severable. If any
provision of this Ordinance is held invalid for any reason, such invalidity shall not
affect other provisions of the Ordinance which can be given effect with the invalid
provision.
SECTION 5: All ordinances or provisions in conflict with the provisions of this Ordinance are hereby repealed.

DATE: 12-1-10

APPROVED: 

JIM ED GIBSON
COUNTY JUDGE

ATTEST:

LAURA McGUIRE
COUNTY CLERK
ORDINANCE NO. 2015-O-35


BE IT ORDAINED BY THE QUORUM COURT OF POPE COUNTY, ARKANSAS:

SECTION 1: This ordinance amends Ordinance No. 2010-O-71 and Ordinance No. 2014-O-57 to amend the regulations defining and classifying the qualifications.

SECTION 2: The regulations defining and classifying the qualifications for an employee to participate or receive from the Catastrophic Leave Transfer Program, filed with the County Clerk contemporaneously with the filing of this ordinance listed as Exhibit A, consisting of six (6) pages, to this ordinance, is hereby amended as stated in Exhibit A to this ordinance and is hereby made a part of this ordinance by reference.

SECTION 3: This ordinance being necessary for the protection and preservation of public health and safety, an emergency is hereby declared to exist and this Ordinance shall be in force and shall take effect upon passage and publication.

DATE: 7-2-15

APPROVED: 

JM ED GIBSON, COUNTY JUDGE
DATE SIGNED: 7-2-15

ATTEST:

LAURA McGUIRE, COUNTY CLERK

VOTES FOR: 11 VOTES AGAINST: 0
ABSTAIN: 0 PRESENT: 11 ABSENT: 2
POPE COUNTY AR

GENERAL POLICY

CATASTROPHIC LEAVE TRANSFER PROGRAM

I. PURPOSE

The purpose of this policy is to establish a system whereby all regular full-time employees of Pope County may voluntarily transfer/donate sick leave to a Catastrophic Leave Bank to be used by qualifying employees.

II. POLICY

The Catastrophic Leave Bank is not intended to create a contract or expectation of continued employment with Pope County. The Bank is only intended to provide assistance to members in the event of catastrophic illness, medical emergency or injury that forces the employee to exhaust all leave time earned, thereby causing that employee to lose monetary compensation from his/her employment with Pope County.

III. PROCEDURES

A. Definitions

1. **Catastrophic Leave Bank** - “Bank” of accrued sick leave donated by employees that may be approved for use by other employees who suffer a qualifying catastrophic illness or injury or a medical emergency and have exhausted all annual, sick, compensatory, holiday and other paid consecutive leave.

2. **Employee** - Any person employed on a full time basis, for one year, by Pope County who performs a prescribed list of duties and who receives monetary compensation for such duties.

3. **Catastrophic Illness/Injury or Medical Emergency** – A personal emergency limited to catastrophic and debilitating medical situations, severe accident cases and severely complicated disabilities which cause the employee or employee family member to be incapacitated, require a prolonged period of recuperation and require the employee’s absence from his/her regular duties as documented by a physician. **ELECTIVE SURGERY DOES NOT QUALIFY FOR CATASTROPHIC LEAVE UNDER THIS POLICY.**

4. **Prolonged Period of Recuperation** - A continuous or intermittent period of time whereby a medical condition prevents the employee from performing the employee’s duties. A prolonged period of recuperation is defined to be a minimum of 180 work hours. This shall be stated in the FMLA Certification of Health Care Provider or if not FMLA eligible then a Health Care Certificate form from their Health Care Provider.
B. Basic Eligibility Requirements

1. Participation in this program is open to all regular full-time employees, who have been employed for one (1) consecutive year, of Pope County who have met the requirements in #3 of this section.

2. Employees must donate a minimum of eight (8) hours each year to qualify to be a participating member.

3. Donation Requirements: No employee shall be allowed to donate leave to the Pope County Catastrophic Leave Bank if such donation will reduce that employee's accrued sick and annual leave balance to less than forty (40) hours. This restriction does not apply to employees who are terminating employment.

4. No employee, upon retiring, may donate sick days for which he/she receives payment under Ordinance 2007-O-42 guidelines. An employee may donate, upon retirement, the balance of any sick days in excess of the maximum eligibility amount of sixty (60) days as outlined in ordinance 2007-O-42. Any current employee going to an elected official position may donate their remaining sick leave to the catastrophic leave bank.

5. Eligibility Requirements: Eligibility will begin from the initial date of illness/injury or medical emergency. If the employee is FMLA eligible the employee shall provide the "FMLA Certification of Health Care Provider for Employees Serious Health Condition form". If employee is not FMLA eligible then the employee shall provide a Health Care Certificate form from their Health care provider as defined in II (A) (3) & (4). Eligibility will not lapse until the 480 hour limit has been exhausted or a medical release to return to work has been submitted. An employee will not be disallowed from participation in the Catastrophic Leave Bank in the upcoming year because he/she was not able to donate in the "Open Enrollment" period in the month of December due to a continuing Illness/Injury or Medical Emergency which qualified him/her for participation in the Catastrophic Leave Bank.

C. Enrollment

1. Donations to the Catastrophic Leave Bank will be accepted once a year during an "Open Enrollment" period in the month of December. An employee must donate in December in order to be eligible to participate in the upcoming calendar year.

2. The Pope County Judge may, at his discretion, proclaim a "Special Enrollment" period.

3. Donation forms must be submitted to Officials/Department Heads prior to December 15th of each year to be verified and then forwarded to the Payroll Department no later than December 31st of each year.
D. Application for Participation

To apply for leave from this bank, an employee must:

1. Meet the basic eligibility requirements of the program as previously stated in Section B.

2. Have exhausted all available paid leave benefits (vacation, sick, compensatory time, etc.)

3. Not be receiving Worker's Compensation benefits for the injury, illness or medical emergency in question.

4. Not have been disciplined for sick leave abuse within the past two years of employment with Pope County. In the case of a rehire, the employee must not have been disciplined for sick leave abuse in the current employment period or the last two years of the previous employment period.

5. Agree to abide by all requirements regarding program participation and acknowledge that all decisions rendered by the Catastrophic Leave Bank Committee are final and are not subject to grievance and/or appeal.

6. Provide a copy of the FMLA certification from the provider, If employee or employee family member is not FMLA eligible then the employee shall provide a Health Care Certificate form from their Health care provider as defined in II (A) (3) & (4), so that the Pope County Catastrophic Leave Bank Committee is able to verify the initial claim and document continued need to participate in the program.

7. Sign a Liability Agreement stating that the Catastrophic Leave Bank Committee’s decision is not subject to grievance or litigation.

8. Must meet FMLA guidelines for the employee or family member or, If employee or family member is not FMLA eligible then the employee shall provide a Health Care Certificate form from their Health care provider as defined in II (A) (3) & (4). (Excluding normal pregnancy and normal birth without complications and the adoption of a child/children.

9. Elected Officials are not eligible to participate.

E. Catastrophic Leave Bank Committee

The Catastrophic Leave Bank Committee shall consist of 3 Officials/Department Heads and 2 Pope County employees with all being appointed by the Pope County Judge as the Catastrophic Leave Bank Committee is needed to review an application. The committee will not include anyone from the department from which the application originates. The Official/Department head will provide verification in Part 3 of the Recipient Application Form. Each member of the Catastrophic Leave Bank Committee must sign a Non-Disclosure Agreement. The Pope County Judge may preside over the Catastrophic Leave Bank Committee meeting as a non-voting member.
The Committee is to review all catastrophic leave requests, ensure that all eligibility requirements are met at the onset of the Illness/Injury or Medical Emergency and approve or disapprove all applications and make recommendations to the approving authority. The approving authority shall be the Pope County Judge.

F. Limitation of Approved Leave

No employee shall be eligible for initial approved leave in excess of 160 hours from the leave bank. A recipient may re-apply for leave which would extend the approved hours to 480 hours. The maximum leave that may be approved under this program is 480 hours per catastrophic event.

G. Catastrophic Leave Bank Transfer Program Administration

The Catastrophic Voluntary Leave Transfer Program will be administered in accordance with the following guidelines:

1. A formal application (request) for leave must be completed and delivered to the elected official or designee of the administering department. If the applicant is physically unable to present the Recipient Application form, a designee may submit the form in the applicants place.

2. Applications will be reviewed on a first filed basis. Approval of the application does not guarantee that leave will be received should there be a zero balance in the leave bank. If the application is approved and the requesting employee will receive catastrophic leave benefits, the administering department will be responsible for submitting a Personnel Status form indicating the date catastrophic leave begins.

3. The Catastrophic Leave Bank Committee will receive, review and make recommendations for final disposition to the approving authority. The Pope County Judge may accept or deny the recommendations of the committee.

4. Leave may be transferred in one (1) hour increments only (no fractions) with a minimum of eight (8) hours donation required. Leave may be granted in one hour increments only (no fractions).

5. Catastrophic leave which would result in a negative balance in the leave bank may not be approved by the Catastrophic Leave Bank Committee.

6. In the event that a recipient (employee) is terminated, retires, dies or returns to duty prior to exhausting the previously approved leave, all unused leave will be returned to the leave bank. The administering department will promptly submit a Personnel Status form to the Pope County Payroll Department if one of the above events occurs stating the effective
date of the event. The department will submit a statement to the Payroll Department indicating the total number of catastrophic leave hours used and request the Payroll Department to return the unused leave hours from the recipient employee back into the leave bank.

7. No unused leave may be returned to the donating employee.

8. All leave earned while the employee is on catastrophic leave shall be automatically assigned to the leave bank. If an employee is on intermittent (catastrophic) leave the accrued leave (a sick or vacation day) shall be used as earned leave instead of Catastrophic Leave awarded.

9. The Payroll Department shall provide the necessary forms for employees to donate to or apply for leave time under this program. The completed forms shall be delivered to the Official/Department Head within each department who shall forward the forms to the Payroll Department of Pope County. The Official/Department Head will designate the appointed employee of each department. The appointed employee shall act as the liaison with the Payroll Department for this program.

10. Approved Catastrophic Leave Bank Application Forms must be submitted to the County Payroll Department at least one (1) week in advance of the "regular" submission of the payroll. The approved application must specify name and other pertinent data of the receiving employee as well as the number of approved hours. The Catastrophic Leave Bank Committee will be responsible for processing all leave request applications and for submitting the approved leave requests to those personnel identified in paragraph one (1) of this section. The administering department must attach copies of the requesting employee's time record indicating the current leave balance and current leave usage.

11. The Payroll Department is responsible for maintaining Leave Bank Account balances. No leave may be approved if such leave would create a zero or negative balance in the Catastrophic Leave Bank accounts. The administering department would be responsible for verifying the amount of available hours in the "Catastrophic Leave Bank Account" with the Payroll division before the approval of leave hours are to be withdrawn from the Catastrophic Leave Bank Accounts.

12. The Payroll Department of Pope County will be responsible for establishing and maintaining a Catastrophic Leave Bank Account and for transferring leave time from the account into the account of the recipient employee for payment within the County's payroll schedule. The Payroll Department will notify the Pope County Quorum Court and all Elected Officials/Department Heads if leave Bank Balance falls below 480 hours.
13. The Catastrophic Leave Bank Committee will maintain related records and make periodic reports to the Payroll Department who will maintain records of the Catastrophic Leave Bank Committee hearings pertaining to each applicant to be kept in each employee’s file along with copies of the forms and decisions.

14. The Administrating Department will deduct donated hours from the donor employee, upon completion and approval of the Donor Application Form, and transfer such hours to the Payroll Department to be added to the Catastrophic Leave Bank balance. Leave Bank hours will be deducted from the bank and credited to the recipient’s leave hours the first pay period after receipt in the Payroll Department of the approved recipient application form as outlined in paragraph 10 of this section.

15. Donation, Application, Release of Medical Information, Liability Agreement and Accounting forms will be provided to the Officials/Department Heads and appointed person within each department.
ORDINANCE NO. 2013-O-5

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF POPE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE REPEALING ORDINANCE NO. 95-O-5 AND ESTABLISHING BUSINESS HOURS FOR THE POPE COUNTY COURTHOUSE".

BE IT ORDAINED BY THE QUORUM COURT OF POPE COUNTY, ARKANSAS:

SECTION 1: Ordinance No. 95-O-5 is hereby repealed.

SECTION 2: The Quorum Court of Pope County has determined that it would be in the best interest of the County to establish new business hours for the Pope County Courthouse.

SECTION 3: Business hours for the Pope County Courthouse will be from 8:00 a.m. to 4:30 p.m. Monday thru Friday except for holidays set forth in the County Personnel Policy.

SECTION 4: It is hereby ordained by the Pope County Quorum Court that this ordinance shall be in full force and effect from and after its passage and approval.

DATE: 2/7/2013

APPROVED:

JIM ED GIBSON, COUNTY JUDGE
DATE SIGNED: 2/8/2013

ATTEST:

LAURA McGUIRE, COUNTY CLERK

VOTES FOR: 9  VOTES AGAINST: 3
ABSTAIN: 0  PRESENT: 12  ABSENT: 1