

RESOLUTION NO. 2005-06

**A RESOLUTION ADOPTING THE AMENDMENT TO THE EMPLOYEE POLICIES
AND PROCEDURES MANUAL FOR THE CITY OF CHEROKEE VILLAGE.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. That the amendments to the Employee Policies and Procedures as set out in the final draft, attached, are hereby adopted by reference herein, as if set out word for word.

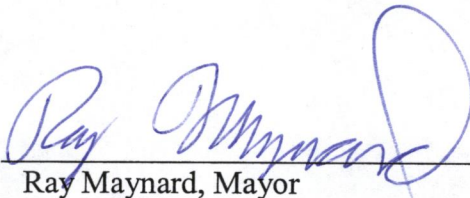
SECTION 2. Should any of the provisions of these Employee Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

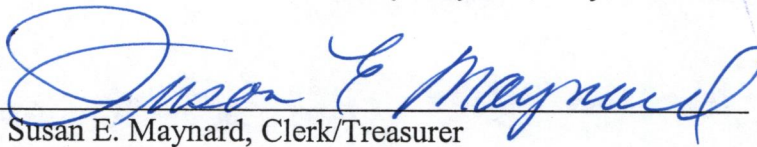
PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: July 21, 2005

APPROVED:


Ray Maynard, Mayor

ATTEST:


Susan E. Maynard, Clerk/Treasurer

Procedures

1. The Mayor informs the Council that a position has been vacated at the first regular public Council meeting after receiving proof of the vacated position. (Proof could be a letter of resignation or establishing that the alderperson is incapable of performing their duties due to illness, accident or death, or if more than six meetings in succession are missed.)
2. The Clerk will advertise the vacancy in the local media. The Clerk will request a registered voter confirmation, resume and a petition containing the signatures of ten persons from the ward where the vacancy exists. The Clerk shall set the deadline for applications to be received to be before the agenda is closed for the next regularly scheduled Council meeting.
3. The media will be informed of the people seeking the position before the next regular City Council meeting, when interviews will take place. (Newspapers, radio or posted five predetermined places in the Village as determined by the Council.)
4. The interviews shall be conducted openly at a regularly scheduled City Council meeting.
5. At that regular meeting where the full Council is in session, a period will be set aside or appointed times given to those candidates who have applied for that position.
6. The appointment to the vacancy must be voted in by the majority of the Council of the whole. (The minimum number of aldermen of the whole on an eight person board is five; therefore it would take three votes to seat an appointment.)
7. The vote shall be by recording the yeas and nays.
8. The appointee shall complete the remainder of the unexpired term per Ordinance 2001-04.

OVERTIME PAY

Except for Police Officers and Fire Fighters, the City has the option of giving compensatory time, or paid overtime, for hours worked in excess of 40 hours per week for all Regular full-time employees. All overtime, both compensatory time and overtime, shall be accrued at the rate of 1 ½ hours for each hour of overtime hours worked. All overtime must be pre-approved by the immediate supervisor. An employee cannot accrue more than 120 hours of compensatory overtime (80 worked hours), and no compensatory overtime can be carried over to a new year without the Mayor's approval.

For Police Officers, the City has the option of giving compensatory time or paid overtime, for all overtime hours. All overtime, both compensatory time and overtime pay, shall be accrued at a rate of 1 ½ hours for each hour of overtime worked. All overtime or compensatory time worked must be approved by the Chief of Police.

Police Officers working a scheduled eight-hour shift, would have standard hours in a 28 - day work period of 171 hours. Hours worked above the 171 hours would be paid as compensatory time off.

Fire Fighters working a 15-day pay-period would have 114 hours. All hours worked above the 114 hours will be paid as overtime time.

Employees who miss a shift due to illness, vacation, personal leave, or any other reason, shall not have those hours count as hours worked for overtime or compensatory time.

Police officers can accumulate up to 480 hours of compensatory time (320 hours worked). After an employee accumulates the maximum compensatory time, the employee must be paid in cash for overtime worked.

Employees may use accrued "comp time" within a reasonable period of time after requesting it if to do so would NOT "unduly disrupt" the operations of the City.

Upon termination, "comp time" owed the employee must be paid based on the average regular rate of pay for the final three years of employment or the final regular rate received, whichever is HIGHER.

All overtime must have approval from the employee's immediate supervisor.

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VACATION POLICY

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in this policy.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation, such as bonuses. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

POLICE ~~and FIRE~~ DEPARTMENTS

The Chief of the each Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay.

All employees of the Police Department shall accumulate vacation time at the rate of one and one-quarter (1 1/4) working days for each month of working service (see chart below).

Service Months	Days Accrued
1	1 1/4
2	2 1/2
3	3 3/4
4	5
5	6 1/4
6	7 1/2
7	8 3/4
8	10
9	11 1/4
10	12 1/2
11	13 3/4
12	15

It is the specific duty of the Police ~~and/or Fire~~ Chief to see that each employee of the Police ~~and/or Fire~~ Department takes ALL of their vacation time before the end of the calendar year - no vacation time will be allowed to be carried over into the next calendar year.

FIRE DEPARTMENT

The Chief of the Department shall arrange that each employee shall be granted an annual vacation of not less than seven (7) 24-hour shifts with full pay.

All employees of the Fire Department shall accumulate vacation time at the rate of .58333 24-hour shifts for each month of working service (see chart below).

<u>Service Months</u>	<u>24 Hour Shifts Accrued</u>
<u>1</u>	<u>0.58</u>
<u>2</u>	<u>1.17</u>
<u>3</u>	<u>1.75</u>
<u>4</u>	<u>2.33</u>
<u>5</u>	<u>2.92</u>
<u>6</u>	<u>3.50</u>
<u>7</u>	<u>4.08</u>
<u>8</u>	<u>4.67</u>
<u>9</u>	<u>5.25</u>
<u>10</u>	<u>5.83</u>
<u>11</u>	<u>6.42</u>
<u>12</u>	<u>7.00</u>

It is the specific duty of the Fire Chief to see that each employee of the Fire Department takes ALL of their vacation time before the end of the calendar year - no vacation time will be allowed to be carried over into the next calendar year.

ALL NON-POLICE UNIFORM EMPLOYEES

Vacation time is granted to all regular full-time employees who have completed 12 months of eligible service. See the following chart for Vacation Accrual Rate:

Years of Service	Vacation Accrued
1	5 working days
2 to 5 years	10 working days
6 years or more	15 working days

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except uniformed services leave of absence. Uniformed services leave has no effect on this calculation.

All vacations must receive prior approval from the Mayor, and may not be carried over to the next vacation year.

5. MAINTAINING E-MAIL

The City of Cherokee Village does not necessarily maintain e-mail backup. This responsibility lies with the user. Users choosing to retain e-mail must understand that all retained files and electronic messages are potentially accessible under FOI law. E-mail messages of only transitory value should not be saved. The failure to routinely delete such messages clogs information systems and strains storage resources.

In order to properly maintain e-mail using Outlook Express, users must transfer any information they wish to retain to "Personal Folders" or staff folder on the network drive. Users should then empty all messages from their "Inbox," "Sent Mail" folder, and "Deleted Items" folder in order to be assured of top performance of the user's P.C. If a user needs assistance with this, he or she should contact appropriate City staff or computer consultants. Users should also empty their "Recycle Bins" on a regular basis.

6. PRIVACY OF ELECTRONIC RECORDS

A system administrator is any person designated to maintain, manage, and provide security for shared multi-user computing resources, including computers, networks, and servers. That responsibility is shared between various City employees and consultants.

System administrators shall perform their duties fairly, in cooperation with the user community and outsourced network administrators. They shall refer disciplinary matters to the appropriated City staff.

Given the nature of technology, a wide range of information can be easily collected by network personnel using system software. For example, software may be configured to provide aggregate information on the number of users logged in, the number of users accessing certain software or information, etc.

No information shall be routinely collected that is not required by system administrators or City management in the direct performance of their duties, such as routine backup for system recovery.

7. REGULATION/ENFORCEMENT

The City's Mayor or designee may gain access to a City employee's e-mail, Internet cache or files, or P.C.(s), for any reason at any time, without that employee's permission.

All federal and state laws, as well as City regulations and policies, are applicable to the use of computing resources. These include, but are not limited to, the Family Education Rights and Privacy Act of 1974, 20 U.S.C. § 12328; the Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2510, et seq.; the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101, et seq.; and state and federal computer fraud statutes, 18 U.S.C. § 1030 and Ark. Code Ann. § 5-41101, et. Seq.

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Further, illegal reproduction of software and other intellectual property protected by United States copyright laws and by licensing agreements may result in civil and/or criminal sanctions.

8. COPYRIGHTED MATERIAL

Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law and must be related to City work. The federal Copyright Act, 17 U.S.C. § 101, et. Seq. (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition of plagiarism, or using someone else's ideas or writing and passing it on as one's own.

9. USE OF CITY OWNED OR LICENSED SOFTWARE/ HARDWARE

Users may not copy or use City-owned or -licensed software or hardware for personal reasons or unauthorized business purposes, nor may such software, programs, data, or hardware leave City premises without specific authorization from City management.

10. PUBLIC DOMAIN MATERIAL

Any user may download public domain programs for his/her own City-related use, or may redistribute a public domain program non-commercially but does so with the knowledge that he/she also assumes all of the risks regarding the determination of whether or not a program is in the public domain.

11. COMPUTER ETHICS

As a representative of the City, employees have a responsibility to conduct themselves in an ethical manner. The following information suggests some areas where ethics issues might arise and provides some suggestions on how to deal with those issues:

- a. Data obtained inappropriately should not be used.
- b. Finding and reporting a system weakness is not a license to take advantage of it.
- c. Every user has a responsibility to do good work and be accountable for that work.
- d. Organizations and individuals have rights to privacy.
- e. When the confidentiality of information is unclear, it should not be divulged.
- f. Electronic mail should be treated as privileged in the same manner as first-class U.S. mail.
- g. Use of personal information voluntarily provided for purposes other than agreed to is inappropriate.

12. ETIQUETTE ON THE INTERNET

It is essential that users recognize that each network/system has its own set of policies and procedures. Actions which are routinely allowed on one network/system may be controlled or even forbidden on other networks. It is the user's responsibility to abide by the policies and procedures of all networks/systems with which they may communicate.

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- a. <http://www.fau.edu/netiquette/net/index.html>
- b. <http://www.ro.com/members/info/netiquette.html>

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SICK LEAVE

POLICE ~~and FIRE~~ DEPARTMENT

All Police Officers ~~and Fire Fighters~~ shall accumulate sick leave at the rate of twenty (20) working days per year beginning with the first month of regular employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer ~~or fire fighter~~ is scheduled to work. No such sick leave shall be charged against any officer during any period of sickness, illness, or injury for any days, which the officer is not scheduled to work.

If, at the end of an officer's term of service, upon retirement or death, whichever occurs first, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave shall not be paid out when an officer's employment terminates for any other reason. Payment for unused sick leave shall NOT exceed sixty (60)-days' salary.

Service Months	Days Accrued
1	1.66
2	3.33
3	4.99
4	6.67
5	8.33
6	10
7	11.66
8	13.33
9	14.99
10	16.67
11	18.33
12	20

FIRE DEPARTMENT

All Fire Fighters shall accumulate sick leave at the rate of ten (10) 24-hour shifts per year beginning with the first month of regular employment. If unused, sick leave shall accumulate to a maximum of sixty (60) 24-hour shifts (1,440 hours).

Time off may be charged against accumulated sick leave only for such days that a fire fighter is scheduled to work. No such sick leave shall be charged against any fire fighter during any period of sickness, illness, or injury for any days, which the fire fighter is not scheduled to work.

If, at the end of a fire fighter's term of service, upon retirement or death, whichever occurs first, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave shall not be paid out when a fire fighter's employment terminates for any other reason. Payment for unused sick leave shall NOT exceed sixty (60) 24-hour shifts (1,440 hours).

<u>Service Months</u>	<u>24-Hour Shifts Accrued</u>
<u>1</u>	<u>0.83</u>
<u>2</u>	<u>1.67</u>
<u>3</u>	<u>2.5</u>
<u>4</u>	<u>3.33</u>
<u>5</u>	<u>4.17</u>
<u>6</u>	<u>5.00</u>
<u>7</u>	<u>5.83</u>
<u>8</u>	<u>6.67</u>
<u>9</u>	<u>7.50</u>
<u>10</u>	<u>8.33</u>
<u>11</u>	<u>9.17</u>
<u>12</u>	<u>10.00</u>

CITY REGULAR FULL-TIME EMPLOYEES

Sick leave shall accumulate at the rate of one (1) day per month beginning with the first month of regular employment, to a maximum of sixty (60) days. Sick leave shall not be paid out to employees who terminate their service for any reason (retirement, death, or termination).

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

- Personal illness or physical incapacity.*
- Quarantine of an employee by a physician or health officer.*
- Illness in the immediate family, which would require the employee to take care of the family member(s).*
- Medical, dental, and optical visits.*

*In order to receive sick leave pay, an employee who is unable to report to work due to one of the above-listed sick leave reasons shall report the reason for the absence to the employee's supervisor within two (2) hours from the time the employee is expected to report for work. **Proof of illness may be required.***

Employees who are absent more than three (3) consecutive days due to unconfirmed illness shall be required to submit a state certified health care provider's return to work statement.

Absence for part of a day shall be deducted from earned sick leave in amounts of not less than one-half (1/2) day increments.

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