

ORDINANCE NO. 2019- 5

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS, AN ORDINANCE ENTITLED:

“AN ORDINANCE AMENDING THE CITY PERSONNEL POLICY ORDINANCE NO. 5, BY CREATING AN EMPLOYEE SICK LEAVE BANK, AND SETTING FORTH PROCEDURES FOR THE DONATION AND APPLICATION THEREOF, AND FOR OTHER PURPOSES.”

Section 1. Ordinance No. 5, the City of Ozark Personnel Policy, is hereby amended as contained in this Ordinance.

Section 2. There is hereby created the City of Ozark Employee Sick Leave Bank, and the Ozark City Clerk shall administer such bank as directed by the Sick Leave Bank Board hereafter set forth, and shall keep account of the balance of leave available in such bank.

Section 3. Employees of the City of Ozark may, within their individual discretion and in such amounts as any such employee deems appropriate, donate unused annual leave or compensatory time off to the City of Ozark Employee Sick Leave Bank to be used and administered as set forth herein. Any employee donating such unused annual leave or compensatory time off to the City of Ozark Employee Sick Leave Bank loses any claim to such donated annual leave and/or compensatory time upon turning in the forms to the appropriate supervising elected official, except as such employee may thereafter make application for additional sick leave from the bank in accordance with the procedure set forth herein or by the City of Ozark Employee Sick Leave Bank Board.

Section 4. There is hereby created the City of Ozark Employee Sick Leave Bank Board comprised of the Mayor or his/her designee and two representatives from the City Council designated by such Council. The initial term of the representatives of the City Council shall be one year and two years respectively to be determined by lot. Thereafter, the representatives shall serve staggered two year terms. The City of Ozark Employee Sick Leave Bank Board may adopt such rules and forms as are consistent with this Ordinance pertaining to the procedures of the board, the application process, and the like.

Section 5. Any employee of the City of Ozark may make application to the City of Ozark Employee Sick Leave Bank Board for additional sick leave from the bank when it is apparent that such employee will exhaust such employee's then pending sick leave by making application on such form as is designated or approved by the City of Ozark Employee Sick Leave Bank Board. The application, when completed, shall be turned in to the elected official under whom such employee works. The elected official may approve or disapprove the application. If the application is approved by the elected official, the elected official shall initial the same and forward it to the Ozark City Clerk. The Ozark City Clerk shall then disseminate copies of such application to the members of City of Ozark Employee Sick Leave Bank Board, who thereafter shall meet and determine the merits of same.

Section 6. In determining the merits of any such application for additional sick leave, the supervising elected official and the City of Ozark Employee Sick Leave Bank Board may consider the following criteria: (1) the purpose of the need for such sick leave, (2) the amount of additional sick leave applied for, (3) the attendance record of such employee prior to the application and the employee's prior justified or unjustified use of such sick leave, (4) the essentiality of such position to the continued operation of the City, and thus the need to fill the position, and (5) any other factors pertaining to the application. Strict compliance with the Americans with Disabilities Act is mandated in the operation of the City of Ozark Employee Sick Leave Bank providing for "reasonable accommodation" of any disabled employee. Further, the City of Ozark Employee Sick Leave Bank Board and the elected official may consider the appropriateness of referral of such employee for leave under the Family and Medical Leave Act. No medical information shall be solicited or considered in making a determination of the merit of any application.

Section 7. No property right is hereby created in any employee to any unused sick leave in the City of Ozark Employee Sick Leave Bank, and the granting of same is purely discretionary with the employee's elected official supervisor and the City of Ozark Employee Sick Leave Bank Board, the decisions of which shall be final.

Section 8. Upon the approval of any employee application for additional sick leave by the City of Ozark Employee Sick Leave Bank Board, the said Employee Sick Leave Bank Board shall notify the affected employee, the employee's elected official supervisor and the Ozark City Clerk of such award. The Ozark City Clerk shall adjust such employee's sick leave pursuant to the decision of the City of Ozark Employee Sick Leave Bank Board.

Section 9. The City of Ozark Employee Sick Leave Bank Board may award only so much sick leave as has been donated to the City of Ozark Employee Sick Leave Bank by employees of the City of Ozark, i.e., the City of Ozark Employee Sick Leave Bank shall not be allowed to be negative.

Section 10. This Ordinance is recognized by the City Council to be necessary for the continued operation of the county by properly providing for its employees, and further therefore is declared to be necessary for the preservation of the public peace, health and safety, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED this ____ day of _____, 2019.

APPROVED:

Roxie Hall, Mayor

APPROVED DATE: _____

ATTEST:

Sonya Eveld, City Clerk

ATTEST DATE: _____

SEAL

City of ONark