

**ORDINANCE NO. O-19-06**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**“AN ORDINANCE TO AMEND GARLAND COUNTY ORDINANCE O-18-26 RELATING TO THE GARLAND COUNTY PERSONNEL POLICY, TO MAKE A REVISION TO THE GARLAND COUNTY PERSONNEL HANDBOOK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.”**

**WHEREAS**, an amendment to the current overtime compensation procedure of the county’s personnel policy is necessary for the purposes of grant funding; and,

**WHEREAS**, The Human Resources Committee has reviewed a portion of the county’s personnel policy for the purpose of making updates and revisions; and,

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS:**

**SECTION 1.** That the Garland County Personnel Policy is to be amended as follows and made a part of this Section, as though set out herein word for word and is accepted as the procedure and standard for employees of Garland County, Arkansas.

**OVERTIME POLICY**

It is the policy of Garland County that utilization of overtime shall be kept to an absolute minimum and shall be utilized only for operational necessities that cannot be addressed by employees during regularly scheduled work hours or by other employees who are working a regularly scheduled shift.

Each Elected Official shall establish and maintain written policies detailing the reasonable anticipated needs of the department to have employees work overtime or be on call after regularly scheduled work hours. The Quorum Court may modify such policies from time to time if it appears to the Quorum Court that the overall policies established by an Elected Official are inconsistent with the policies established or are inconsistent with the best financial interest of the County.

Overtime compensation shall be paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Non-exempt non-law enforcement employees shall be paid time and one-half after physically working 40 hours in a work period with the exception of holidays and call outs. Non-exempt law enforcement employees shall be paid time and one-half after physically working 86 hours in a work period with the exception of holidays and call outs. **In the event that the Garland County Sheriff’s Department shall be the recipient of any Selective Traffic Enforcement Program (STEP) Grant Work funding or any other such Federal or State Grant Funding, the recipient shall be reimbursed for officers working selective traffic enforcement at a rate that does not exceed time and one-half the officer’s regular hourly rate.**

The Quorum Court of Garland County hereby defines a “call out” as the time an employee is called from home or while off duty to perform work that occurs after scheduled work hours. Call out time shall be paid at time and one-half regardless of whether the employee has completed his or her regular work period 40 hours for non-law enforcement or 86 for law

enforcement. Continuation of work on an employee's shift when additional time is required or when directed by a Supervisor or when an employee is called to assume another's shift will not be considered a "call out". The County call out policy shall only apply to the following departments: Office of Emergency Management, Dispatch Center, Sheriff's Office Administration, Patrol, Sheriff's Office Warrants Division, Criminal Investigation Division, Detention Administration, Detention Transport Officers, Garland County Maintenance, Garland County Road Department and the Garland County Environmental Services Department during major incidents or as ordered by the County Judge or County Sheriff. Call out of employees not referenced in this section will be set forth in the employee handbook, as amended from time to time.

Non-exempt regular full-time employees who are required to work outside regularly scheduled hours (such as to attend an official meeting, scheduled training classes or course certifications or when subpoenaed to court) shall receive overtime pay when they exceed the number of regularly scheduled hours (40 hours for non-law enforcement and 86 for law enforcement).

However, if Garland County has no funds from which to pay overtime, all non-exempt county employees shall accrue compensatory time to the allowable limit until such time overtime funds become available. Overtime payments and compensatory time accrual shall be reviewed by the Quorum Court on a quarterly basis.

No overtime hours shall be worked or paid without approval of the elected official or such supervisory personnel designated by the elected official to approve overtime.

Paid Leave days shall not count toward calculating overtime unless the employee actually worked on a paid leave day (e.g. a holiday worked by an employee).

County employees shall not receive double time.


**SECTION 2. SEVERABILITY.** If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance is declared to be severable.

**SECTION 3.** That this Ordinance shall be codified in the Garland County Code of Ordinances and the Sections may be re-numbered and re-lettered to accomplish such intention.

**SECTION 4.** As time is of the essence in getting this policy initiated an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the passage and approval.

ATTEST:   
Sarah Smith  
Garland County Clerk

APPROVED:   
Darryl Mahoney  
Garland County Judge

SPONSOR:   
Thomas Anderson  
Justice of the Peace

DATE: 2/11/19