

## **SHERWOOD CITY COUNCIL**

**February 23, 2015**

**7:00 P.M.**

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. Approval of minutes of the regular meeting on January 26, 2015, as transcribed.
5. January 2015 financials
6. Approval for removal of assets sold in 2014
7. Committees and/or Commissions:
  - Advertising & Promotion Commission:** Alderman Brooks, Chairman
  - Civil Service Commission:** Herb Moore, Chairman
  - Parks & Recreation Committee:** Alderman Harmon, Chairman
  - Personnel Committee:** Alderman Sanders, Chairman
  - (a) A resolution adopting a revised City of Sherwood Employee Handbook (Alderman )
  - (b) An ordinance repealing Ordinance No. 919, and amending Ordinance No. 1504 amending the policy for a Drug-Free Workplace; and for other purposes (Alderman)
  - Planning Commission:** Lucien Gillham, Chairman
  - Senior Citizen Committee:** Jean Harrison, Chairman
  - Sewer Committee:** Amy Sanders, Chairman
  - Street Committee:** Alderman Lilly, Chairman
8. An ordinance adopting for the City of Sherwood, Arkansas, the 2012 Edition of the Arkansas Fire Prevention Code, comprised of Volume 1 – Fire, Volume 2 – Building, and Volume 3 – Residential, as amended; repealing conflicting ordinance (Mayor Young) **(Read (1) time January 2015)**
9. Resolution authorizing use of eminent domain on the Maryland Avenue Improvements and Extension Project; and for other purposes (Mayor Young)
10. A resolution authorizing the Mayor and City Clerk to enter into a revised Pulaski Area Geographic Information System (PAGIS) Interlocal Agreement; and for other purposes (Mayor Young)

11. A resolution authorized by the City Council of Sherwood, Arkansas, in cooperation with bond counsel, to proceed with matters preliminary to the issuance of approximately \$6,000,000.00 principal amount of library capital improvement bonds; declaring its intention to reimburse itself for qualifying expenditures from the proceeds of the bonds; and prescribing other matters relating thereto (Mayor Young)
12. A resolution renaming the Green Valley Park to the Don Hughes Park in recognition of his many contributions to the City; and for other purposes (Mayor Young)
13. Old Business
14. New Business
15. Announcement(s)
16. Adjourn

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Assets, Liabilities and Fund Balance**  
**As of January 31, 2015**  
**UNAUDITED**

**ASSETS**

**CURRENT ASSETS**

11100 CASH ON HAND	\$ 600.00
11101 ACH TRANSFER GENERAL FD	17,577.29
11102 CASH - CHECKING	2,591,224.97
11105 CASH - POLICE CID FUND	2,382.09
11107 GARNISHMENT/CHILD SUPPORT	2,097.81
11110 RETURNED CHECKS	9,041.33
11125 GEN FUND RESERVE	800,849.27
11133 VISA TRANSFER	21,566.69
11141 ADMIN MERCHANT ACCT	998.43
11154 WEEKLY TRASH PU - RES	<u>2,073.90</u>

**Total Current Assets** \$ 3,448,390.78

**TOTAL ASSETS** \$ 3,448,390.78

**LIABILITIES AND FUND BALANCE**

**CURRENT LIABILITIES**

21202 SOCIAL SEC TAXES PAY	\$ (51,808.59)
21203 FEDERAL W/H TAXES PAY	16,909.58
21204 STATE W/H TAXES PAY	(6,977.99)
21205 GROUP INSURANCE PAY	(79,327.68)
21210 DEFERRED COMPENSATION	83.81
21212 CREDIT UNION	(3,196.64)
21214 LOPFI EMPLOYEE DEDUCT	15,505.82
21215 ACCOUNTS PAYABLE	1,998.62
21218 RET PLAN GEN FUND	<u>477,580.91</u>

**Total Current Liabilities** \$ 370,769.84

**Total Liabilities** \$ 370,769.84

**FUND BALANCE**

31290 FUND BALANCE	\$ 3,546,189.07
EXCESS RECEIPTS OVER DISBURSEMENTS	<u>(468,568.13)</u>

**Total Fund Balance** \$ 3,077,620.94

**TOTAL LIABILITIES AND FUND BALANCE** \$ 3,448,390.78

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Receipts</b>				
50300 PROPERTY MAIN INCOME	\$ 579.50	\$ 16,500.00	\$ (15,920.50)	\$ (98.49)
50302 STATE GEN TURNBACK	61,990.11	437,400.00	(375,409.89)	(85.83)
50303 WORKERS COMP TURNBACK	0.00	56,000.00	(56,000.00)	(100.00)
51302 CITY SALES TAX	411,448.28	4,800,000.00	(4,388,551.72)	(91.43)
51303 ROUNDTOP GRANT REIMB	48,758.58	0.00	48,758.58	0.00
51304 FRANCHISE FUND TRANSFER	320,700.00	1,700,000.00	(1,379,300.00)	(81.14)
51305 COUNTY WIDE SALES TAX	489,426.09	6,000,000.00	(5,510,573.91)	(91.84)
51307 A & P TAX	30,000.00	360,000.00	(330,000.00)	(91.67)
51308 SENIOR CIT DEPT	388.00	6,500.00	(6,134.00)	(94.37)
51309 ADMIN OTHER INCOME	240.45	11,000.00	(10,759.55)	(97.81)
51311 POLICE DEPT - OTHER	4,746.06	42,000.00	(37,253.94)	(88.70)
52307 RECYCLING	0.00	250.00	(250.00)	(100.00)
52308 BUILDING PERMITS	5,542.05	116,000.00	(110,457.95)	(95.22)
52309 SIGN PERMITS	430.00	3,000.00	(2,570.00)	(85.67)
52310 ANIMAL SERVICES	1,452.00	27,500.00	(26,048.00)	(94.72)
52311 ELEC LIC & PERMITS	2,594.57	45,000.00	(42,405.43)	(94.23)
52313 INSPECTION FEES	900.78	19,000.00	(18,099.22)	(95.26)
52315 TAX COLLECTED GOLF CART RENTAL	(28.95)	1,000.00	(1,028.95)	(102.90)
52317 LIQUOR LICENSE	9,241.23	97,000.00	(87,758.77)	(90.47)
52318 SPORT COMPLEX INCOME	100.00	115,000.00	(114,900.00)	(99.91)
52320 STREET CUT	575.00	6,000.00	(5,425.00)	(90.42)
52321 PARKS & REC FEES	323.53	60,000.00	(59,676.47)	(99.46)
52322 ACT 474 OF 1999	164.77	0.00	164.77	0.00
52323 PLAN COMM/REZONING	300.00	2,000.00	(1,700.00)	(85.00)
52324 PRIVILEGE LICENSES	112,394.71	250,000.00	(137,605.29)	(55.04)
52330 CHILD CARE	13,850.00	235,000.00	(221,150.00)	(94.11)
52331 B HARMON REC CENTER	25,453.97	300,000.00	(274,546.03)	(91.52)
52332 GOLF FEE DED EMPL	165.00	2,000.00	(1,835.00)	(91.75)
52333 911 CMRS BOARD	0.00	140,000.00	(140,000.00)	(100.00)
53315 INTEREST RECEIVED	1,446.97	16,000.00	(14,553.03)	(90.98)
53323 COPIES	18.50	100.00	(81.50)	(81.50)
53326 A & P FEES	8,200.00	90,000.00	(81,800.00)	(90.89)
53327 TELECORP TOWER	5,468.54	32,500.00	(27,031.46)	(83.17)
53328 ENVIRON SANITATION FEES	166,228.86	1,975,000.00	(1,808,771.15)	(91.58)
53330 SALE OF FIXED ASSETS	0.00	17,000.00	(17,000.00)	(100.00)
53331 911 SYSTEM TAX	0.00	1,000.00	(1,000.00)	(100.00)
53332 LAND LEASE	750.00	9,000.00	(8,250.00)	(91.67)
53336 YOUTH COUNCIL	0.00	1,500.00	(1,500.00)	(100.00)
53342 ASPCA GRANT	3,333.00	0.00	3,333.00	0.00
53370 CITY ADMIN JUSTICE	19,405.87	232,500.00	(213,094.13)	(91.65)
53400 N HILLS PARK RENTAL	6,600.00	60,000.00	(53,400.00)	(89.00)
53401 GOLF COURSE FEES/MEMB	12,833.95	425,000.00	(412,166.05)	(96.98)
53402 NLR REVENUE SHARE	101,336.00	470,000.00	(368,664.00)	(78.44)
53403 GR@NH RESTR RENTAL	2,274.00	13,000.00	(10,726.00)	(82.51)
55305 FINES & FORFEITURES	142,500.59	2,080,000.00	(1,937,499.41)	(93.15)
59000 AVAILABLE FUND RESERVE	0.00	13,144.00	(13,144.00)	(100.00)
<b>Total Receipts</b>	<b>\$ 2,012,109.98</b>	<b>\$ 20,283,894.00</b>	<b>\$ (18,271,784.02)</b>	<b>\$ (90.08)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

	1 Month Ended		Year Ended		
	January 31, 2015		December 31, 2015		
	<u>ACTUAL</u>		<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Disbursements</b>					
<b>Administrative</b>					
70100 MAYOR SALARY	\$ 10,201.16	\$	88,905.00	\$	(78,703.84) \$ (88.53)
70105 CITY CLERK SALARY	7,511.05		65,480.00		(57,948.95) (88.53)
70110 ALDERMAN SALARIES	4,916.28		56,776.00		(51,859.72) (91.34)
70115 CITY ATTY SALARY	5,729.33		69,921.00		(64,191.67) (91.61)
70120 CLERKS SALARIES	38,602.45		205,400.00		(168,797.55) (82.18)
70150 PAYROLL TAXES	5,059.68		41,500.00		(36,440.32) (87.81)
70166 CONTRACT LABOR	1,356.25		26,000.00		(26,643.75) (95.16)
70165 EXPENSE VEH/ MAYOR	750.00		9,000.00		(8,250.00) (91.67)
70170 EXPENSE VEH/ CITY CLERK	400.00		4,800.00		(4,400.00) (91.67)
70175 EXPENSE - CITY ATTY	500.00		6,000.00		(5,500.00) (91.67)
70178 EXPENSE-ALDERMEN	800.00		9,800.00		(8,800.00) (91.67)
70185 CITY CLERKS RETIREMENT	2,852.94		34,235.00		(31,382.06) (91.67)
70190 CITY ATTY RETIREMENT	1,183.17		13,958.00		(12,794.83) (91.67)
70193 CITY EMPL RETIREMT DEFINED	0.00		94,000.00		(94,000.00) (100.00)
70195 RETIREMENT CITY EMPL 457	33,721.82		256,000.00		(222,278.18) (86.83)
70196 DISTR JUDGE RETIREMENT	1,816.94		24,000.00		(22,183.06) (92.43)
70197 DISTR CT CLK RET	1,288.76		9,400.00		(8,111.24) (86.29)
70200 ADS & PUBLIC NOTICE	1,521.80		30,000.00		(28,478.40) (94.93)
70205 PUBLIC RELATIONS	175.00		2,000.00		(1,825.00) (91.25)
70220 INSURANCE & BOND	169,634.80		450,000.00		(280,365.20) (82.30)
70240 CEN ARK TRANSIT	9,069.50		108,834.00		(99,764.50) (91.67)
70245 REGIONAL DETENTION	133,409.00		133,409.00		0.00 0.00
70300 DUES OTHER	2,723.46		6,000.00		(3,276.54) (54.61)
70305 DUES - METROPLAN	27,161.00		27,161.00		0.00 0.00
70310 DUES - AR MUN LEAGUE	0.00		4,000.00		(4,000.00) (100.00)
70320 MUNICIPAL MEETINGS	0.00		7,000.00		(7,000.00) (100.00)
70325 PROFESSIONAL FEES	18,666.00		100,000.00		(81,314.00) (81.31)
70330 LEGAL DEFENSE FUND	0.00		12,000.00		(12,000.00) (100.00)
70335 MEDICAL	0.00		2,000.00		(2,000.00) (100.00)
70360 FIRE PROTECTION	94,781.51		1,137,378.00		(1,042,596.49) (91.67)
70365 EDUCATION	2,292.00		12,000.00		(9,708.00) (80.90)
70380 GROUP INSURANCE	94,994.00		1,200,000.00		(1,105,006.00) (92.08)
70390 ADMIN MER BANK FEE	1,204.78		13,000.00		(11,795.22) (90.73)
71000 SUPPLIES & SERVICES	4,164.55		55,000.00		(50,835.45) (92.43)
71005 SOFTWARE	0.00		1,000.00		(1,000.00) (100.00)
71500 POSTAGE	676.00		4,000.00		(3,324.00) (83.10)
72000 TELEPHONE	6,813.44		95,000.00		(88,186.56) (92.83)
72500 UTILITIES	7,772.98		100,000.00		(92,227.02) (92.23)
73000 TRAINING & CONF	0.00		5,000.00		(5,000.00) (100.00)
78901 PROP CONDEMNATION	0.00		15,000.00		(15,000.00) (100.00)
78902 PROP MAINT	0.00		20,000.00		(20,000.00) (100.00)
78990 REFUNDS	171.93		0.00		171.93 0.00
78992 ECONOMIC DEVELOPMENT	8,333.34		100,000.00		(91,666.66) (91.67)
<b>Total Administrative Disbursements</b>	<b>\$ 698,254.72</b>	<b>\$</b>	<b>4,656,737.00</b>	<b>\$</b>	<b>(3,958,482.28) \$ (85.01)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Police Department</b>				
70100 CHIEF	\$ 9,144.81	\$ 79,697.00	\$ (70,552.39)	\$ (88.53)
70105 CAPTAINS	23,362.05	203,608.00	(180,243.95)	(88.53)
70110 LIEUTENANTS	34,154.98	279,656.00	(245,501.02)	(87.79)
70115 SERGEANTS	86,888.78	463,721.00	(407,032.22)	(87.78)
70120 CLERICAL	81,714.92	512,602.00	(430,887.08)	(84.06)
70125 PATROLMEN	275,414.28	2,261,353.00	(1,985,938.72)	(87.82)
70130 DETENTION	71,411.76	471,430.00	(400,018.24)	(84.85)
70150 PAYROLL TAXES	42,546.06	396,500.00	(353,953.94)	(89.27)
70196 POLICE RETIREMENT	110,385.75	550,000.00	(439,614.25)	(79.93)
70205 PUBLIC RELATIONS	93.38	3,000.00	(2,906.62)	(96.89)
70300 DUES & SUBSCRIPTION	750.00	3,000.00	(2,250.00)	(75.00)
71000 SUPPLIES	4,041.66	75,000.00	(70,958.34)	(94.61)
71095 CLOTHING ALLOWANCE	14,766.74	130,780.00	(116,013.26)	(88.71)
71500 POSTAGE	11.00	2,000.00	(1,989.00)	(99.45)
72000 TELEPHONE EXPENSE	4,447.66	21,000.00	(16,552.34)	(78.82)
73000 CONVENTION & TRAVEL	0.00	3,000.00	(3,000.00)	(100.00)
73010 TRAINING	887.75	76,495.00	(75,607.25)	(88.84)
73027 MAINTENANCE CONTR	1,139.94	149,880.00	(148,740.06)	(99.24)
73500 POLICE CAR EXPENSE	10,314.36	300,000.00	(289,685.64)	(96.56)
76000 ACIC	1,236.44	15,000.00	(13,763.56)	(91.76)
76005 INTERNAL AFFAIRS	0.00	2,000.00	(2,000.00)	(100.00)
76008 JAIL EXPENSE	70.70	3,000.00	(2,929.30)	(97.64)
76010 COPPS EXPENSE	0.00	8,500.00	(8,500.00)	(100.00)
76020 CANINE EXPENSE	195.85	6,950.00	(6,754.15)	(97.18)
76025 PHYSICALS & TESTING	1,020.40	14,000.00	(12,979.60)	(92.71)
76035 CID EXPENSE	3,280.75	42,000.00	(38,719.25)	(92.19)
76040 EXPLORER POST	258.00	3,000.00	(2,744.00)	(91.47)
78950 RADIO, CAMCORDER, RADAR	282.10	10,000.00	(9,717.90)	(97.18)
78960 BODY ARMOR	2,262.24	17,719.00	(15,456.76)	(87.23)
78961 RADIO EQUIP	0.00	291,000.00	(291,000.00)	(100.00)
78990 REFUNDS	4,369.49	0.00	4,369.49	0.00
79000 CAPITAL DISB	95,306.40	390,579.00	(295,272.60)	(75.60)
<b>Total Police Disbursements</b>	<b>\$ 849,556.05</b>	<b>\$ 6,786,468.00</b>	<b>\$ (5,936,911.95)</b>	<b>\$ (87.48)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

	1 Month Ended January 31, 2015	Year Ended December 31, 2015		
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Hot Check</b>				
70100 SALARY- DIRECTOR	\$ 6,717.10	\$ 48,889.00	\$ (39,851.90)	\$ (85.68)
70125 SALARIES	25,281.52	161,550.00	(136,268.48)	(84.35)
70150 PAYROLL TAXES	2,375.84	14,400.00	(12,024.16)	(83.50)
70300 DUES & SUBSCRIPTION	250.00	300.00	(50.00)	(16.67)
70327 SERVICE CONTRACTS	97.86	1,500.00	(1,402.34)	(83.49)
71000 SUPPLIES	0.00	2,500.00	(2,500.00)	(100.00)
71500 POSTAGE	77.00	1,500.00	(1,423.00)	(94.87)
73500 TRAVEL - CONVENTIONS	0.00	500.00	(500.00)	(100.00)
<b>Total Hot Check Disbursements</b>	<u>\$ 34,799.12</u>	<u>\$ 228,819.00</u>	<u>\$ (194,019.88)</u>	<u>\$ (84.79)</u>
<b>Municipal Court</b>				
70115 MUN JUDGE SALARY	\$ 7,036.95	\$ 85,879.00	\$ (78,842.05)	\$ (91.81)
70120 PUBLIC DEF SALARY	2,710.72	23,892.00	(21,181.28)	(88.65)
70125 COURT CLKS SALARY	75,433.82	632,129.00	(456,695.18)	(85.82)
70150 PAYROLL TAXES	6,389.53	60,215.00	(43,825.47)	(87.28)
70300 DUES & SUBSCRIPTION	750.00	1,200.00	(450.00)	(37.50)
70327 MAINT CONTRACTS	106.05	1,500.00	(1,393.95)	(92.93)
70390 BOND & FINE BK CD	211.23	3,500.00	(3,288.77)	(93.96)
71000 SUPPLIES	46.86	10,000.00	(9,953.34)	(99.53)
71500 POSTAGE	208.00	3,500.00	(3,294.00)	(94.11)
73500 TRAVEL/CONVENTIONS	0.00	500.00	(500.00)	(100.00)
<b>Total Municipal Court Disbursements</b>	<u>\$ 92,890.98</u>	<u>\$ 712,315.00</u>	<u>\$ (619,424.04)</u>	<u>\$ (86.96)</u>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Engineering and Planning</b>				
70100 SALARY - DIRECTOR	\$ 14,256.81	\$ 82,058.00	\$ (67,801.39)	\$ (82.63)
70125 SALARIES	53,290.33	339,345.00	(286,054.67)	(84.30)
70150 PAYROLL TAXES	5,035.53	31,754.00	(26,718.47)	(84.14)
70300 DUES & SUBSCRIPTION	0.00	12,250.00	(12,250.00)	(100.00)
70325 PROFESSIONAL FEES	2,850.55	75,000.00	(72,349.45)	(96.47)
70385 PUBLIC EDUCATION	0.00	500.00	(500.00)	(100.00)
71000 SUPPLIES	713.81	10,000.00	(9,286.19)	(92.86)
71095 UNIFORMS	132.46	1,800.00	(1,667.54)	(92.64)
71500 POSTAGE	282.00	4,000.00	(3,718.00)	(92.95)
73000 CONF & TRAINING	0.00	1,250.00	(1,250.00)	(100.00)
73005 TRAVEL	0.00	500.00	(500.00)	(100.00)
73015 MANUAL & BOOKS	0.00	2,000.00	(2,000.00)	(100.00)
73500 VEHICLE EXPENSE	379.82	12,000.00	(11,620.18)	(96.83)
79000 CAPITAL DISB	0.00	18,000.00	(18,000.00)	(100.00)
<b>Total Engineering and Planning Disb.</b>	<u>\$ 76,741.11</u>	<u>\$ 590,457.00</u>	<u>\$ (513,715.89)</u>	<u>\$ (87.00)</u>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Human Resources</b>				
70100 SALARY - DIRECTOR	\$ 10,558.49	\$ 61,020.00	\$ (50,461.51)	\$ (82.70)
70125 SALARIES	5,034.78	29,002.00	(23,967.22)	(82.64)
70150 PAYROLL TAXES	1,192.89	8,852.00	(7,659.11)	(88.52)
70300 DUES & SUBSCRIPTIONS	97.00	500.00	(403.00)	(80.60)
71000 SUPPLIES	582.70	10,000.00	(9,417.30)	(94.37)
71005 SOFTWARE COST	0.00	1,500.00	(1,500.00)	(100.00)
71500 POSTAGE	6.00	800.00	(794.00)	(99.25)
72025 COMMUNICATIONS	300.00	5,000.00	(4,700.00)	(94.00)
73000 CONF & TRAINING	0.00	1,500.00	(1,500.00)	(100.00)
73010 TRAINING & MATERIAL	0.00	1,000.00	(1,000.00)	(100.00)
78910 BACKGROUND CHECKS	153.75	3,000.00	(2,846.25)	(94.88)
<b>Total Human Resources Disbursements</b>	<u>\$ 17,905.61</u>	<u>\$ 122,174.00</u>	<u>\$ (104,268.39)</u>	<u>\$ (85.34)</u>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015                      December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Computer Services</b>				
70100 SALARY - DIRECTOR	\$ 14,363.74	\$ 82,675.00	\$ (68,311.26)	\$ (82.63)
70125 SALARIES	30,461.21	164,724.00	(134,262.79)	(81.51)
70150 PAYROLL TAXES	3,413.40	20,000.00	(16,586.60)	(82.93)
70300 DUES & SUBSCRIPTION	0.00	250.00	(250.00)	(100.00)
71000 OFFICE SUPPLIES	0.00	600.00	(600.00)	(100.00)
71005 SOFTWARE	271.00	7,000.00	(6,729.00)	(96.13)
71015 RIBBONS, TONER, DISK	12.00	1,300.00	(1,288.00)	(99.08)
71045 COMPTR FORMS/PAPER	0.00	100.00	(100.00)	(100.00)
71500 POSTAGE	0.00	25.00	(25.00)	(100.00)
72025 COMMUNICATION	0.00	25.00	(25.00)	(100.00)
72030 INTERNET ACCESS	0.00	500.00	(500.00)	(100.00)
72035 CABLING/ACCESS	26.00	1,400.00	(1,374.00)	(98.14)
73000 EDUCATION	0.00	7,000.00	(7,000.00)	(100.00)
73027 MAINTENANCE AGREEMENT	0.00	1,000.00	(1,000.00)	(100.00)
73028 SOFTWARE AGREEMENTS	0.00	5,000.00	(5,000.00)	(100.00)
73500 VEHICLE EXPENSE	29.57	200.00	(170.43)	(85.22)
75000 COMPUTER UPGRADES	136.00	19,000.00	(18,864.00)	(99.28)
75005 METERS, GAUGES, TOOLS	5.00	600.00	(595.00)	(99.17)
78995 REPAIRS	0.00	1,800.00	(1,800.00)	(100.00)
78997 TRAVEL	0.00	1,500.00	(1,500.00)	(100.00)
78998 BATTERIES & UPS	72.00	5,800.00	(5,428.00)	(98.69)
79000 CAPITAL DISB	0.00	8,000.00	(8,000.00)	(100.00)
<b>Total Computer Services Disbursements</b>	<b>\$ 48,789.92</b>	<b>\$ 328,199.00</b>	<b>\$ (279,409.08)</b>	<b>\$ (85.13)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

	1 Month Ended January 31, 2015	Year Ended December 31, 2015		
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Sanitation</b>				
70125 SALARIES	\$ 83,634.92	\$ 534,382.00	\$ (450,747.08)	\$ (84.35)
70160 PAYROLL TAXES	6,327.50	46,000.00	(38,672.50)	(86.94)
70155 CONTRACT LABOR	987.84	5,000.00	(4,012.16)	(80.24)
71000 SUPPLIES	658.31	9,000.00	(8,341.69)	(92.69)
71095 UNIFORMS	0.00	7,000.00	(7,000.00)	(100.00)
73015 TRAINING SEMINARS	0.00	500.00	(500.00)	(100.00)
73500 TRUCK EXPENSE	1,532.83	275,000.00	(273,467.17)	(99.44)
77060 DUMP EXPENSE	30,395.95	370,000.00	(339,604.05)	(91.78)
77065 RECYCLING	65,340.13	725,000.00	(659,659.87)	(90.99)
77070 FOGGING & SPRAYING	0.00	15,000.00	(15,000.00)	(100.00)
79000 CAPITAL DISBURSEMENTS	0.00	214,000.00	(214,000.00)	(100.00)
<b>Total Sanitation Disbursements</b>	<b>\$ 188,877.48</b>	<b>\$ 2,199,882.00</b>	<b>\$ (2,011,004.52)</b>	<b>\$ (91.41)</b>
<b>Bill Harmon Recreation</b>				
70125 SALARIES-BHRC	\$ 41,272.36	\$ 269,396.00	\$ (228,123.64)	\$ 84.68
70160 PAYROLL TAXES-BHRC	3,118.19	30,000.00	(26,881.81)	89.61
70386 CERTIFICATION FEES	0.00	1,000.00	(1,000.00)	100.00
71020 OFFICE SUPPLIES-BHRC	45.46	2,000.00	(1,954.54)	97.73
71025 BUILDING SUPPLIES-BHRC	1,878.87	35,000.00	(33,121.13)	94.83
71555 CONTRACT LABOR-BHRC	1,588.50	35,000.00	(33,411.50)	95.46
72520 UTILITIES	10,597.63	135,000.00	(124,402.37)	92.15
78900 BUILDING MAINT BHRC	2,413.90	35,000.00	(32,586.10)	93.10
78990 REFUNDS-BHRC	57.75	0.00	57.75	0.00
78992 LEASE EQUIP-BHRC	220.40	2,400.00	(2,179.60)	90.82
78993 LEASE FITNESS EQUIP	0.00	38,472.00	(38,472.00)	100.00
78995 CAPITAL REPAIRS	8,021.91	20,000.00	(11,978.09)	59.89
79000 CAPITAL DISBURSEMENTS	0.00	24,000.00	(24,000.00)	100.00
<b>Total Bill Harmon Recreation Disbursements</b>	<b>\$ 68,214.97</b>	<b>\$ 627,288.00</b>	<b>\$ (558,053.03)</b>	<b>\$ (88.97)</b>

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**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>		<u>BUDGET</u>		<u>VARIANCE</u>		<u>PCT</u>
<b>Parks and Recreation</b>							
70100 SALARY - DIRECTOR	\$ 16,072.15	\$	83,361.00	\$	(67,288.85)	\$	(80.72)
70125 SALARIES	61,599.33		438,210.00		(376,610.67)		(85.94)
70130 SALARIES LIBRARY	247.44		8,000.00		(5,752.56)		(95.88)
70150 PAYROLL TAXES	5,874.36		44,939.00		(39,064.64)		(86.93)
70300 SUBSCR/PROF DUES	0.00		1,000.00		(1,000.00)		(100.00)
71000 SUPPLIES	0.00		3,000.00		(3,000.00)		(100.00)
71010 OFFICE SUPPLIES	232.89		3,000.00		(2,767.11)		(92.24)
71015 COMPUTER SUPPLIES	0.00		500.00		(500.00)		(100.00)
71040 LIBRARY SUPPLIES	0.00		1,000.00		(1,000.00)		(100.00)
71050 POOL SUPPLIES - TH	0.00		7,000.00		(7,000.00)		(100.00)
71060 POOL SUPPLIES - FW	0.00		6,500.00		(6,500.00)		(100.00)
71070 POOL SUPPLIES - IH	0.00		4,500.00		(4,500.00)		(100.00)
71085 LANDSCAPING	0.00		1,000.00		(1,000.00)		(100.00)
71090 MISC TOOLS/SMALL EQ	0.00		9,500.00		(9,500.00)		(100.00)
71095 UNIFORMS	0.00		5,000.00		(5,000.00)		(100.00)
71500 POSTAGE	34.00		500.00		(466.00)		(93.20)
72000 TELEPHONE	1,055.26		13,000.00		(11,944.74)		(91.88)
72500 UTILITIES	2,325.56		30,000.00		(27,674.44)		(92.25)
72550 UTILITIES - POOL TH	260.29		9,000.00		(8,739.71)		(97.11)
72560 UTILITIES - POOL FW	275.07		5,000.00		(4,724.93)		(94.50)
72570 UTILITIES - POOL IH	244.36		3,000.00		(2,755.64)		(91.85)
73005 CONVENTIONS & TRAVEL	0.00		5,000.00		(5,000.00)		(100.00)
73500 TRAVEL/VEH MAIN	1,000.20		30,000.00		(28,999.80)		(96.67)
74050 VENDING - POOL TH	0.00		1,500.00		(1,500.00)		(100.00)
74060 VENDING - POOL FW	0.00		1,500.00		(1,500.00)		(100.00)
74070 VENDING - POOL IH	0.00		1,500.00		(1,500.00)		(100.00)
78500 EQUIPMENT MAINT	0.00		2,500.00		(2,500.00)		(100.00)
78505 EQUIPMENT RENTAL	0.00		6,000.00		(6,000.00)		(100.00)
78910 PARKS MAINT & REPR	1,331.32		40,000.00		(38,668.68)		(96.67)
78990 REFUNDS	1,174.00		0.00		1,174.00		0.00
78995 CAPITAL REPAIRS	2,848.95		45,000.00		(42,151.05)		(93.67)
78996 HWAY DEPT GRANT	0.00		16,000.00		(16,000.00)		(100.00)
79000 CAPITAL DISB	0.00		38,500.00		(38,500.00)		(100.00)
<b>Total Parks and Rec. Disbursements</b>	<b>\$ 84,575.18</b>	<b>\$</b>	<b>862,510.00</b>	<b>\$</b>	<b>(787,934.82)</b>	<b>\$</b>	<b>(91.35)</b>
<b>Administration Building</b>							
70100 SALARIES	\$ 6,087.56	\$	34,925.00	\$	(28,837.44)	\$	(82.63)
70150 PAYROLL TAXES	462.25		3,500.00		(3,037.75)		(86.79)
71000 SUPPLIES	437.84		10,000.00		(9,562.16)		(95.62)
71095 UNIFORMS	0.00		520.00		(520.00)		(100.00)
73500 AUTO EXPENSE	35.46		1,000.00		(964.54)		(96.45)
73501 JANITORIAL CONTRACT	1,866.00		20,000.00		(18,134.00)		(90.67)
78900 BUILDING MAINT	169.83		77,000.00		(76,830.17)		(99.78)
<b>Total Administration Building</b>	<b>\$ 8,838.94</b>	<b>\$</b>	<b>146,945.00</b>	<b>\$</b>	<b>(138,106.06)</b>	<b>\$</b>	<b>(93.98)</b>

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**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Sherwood Forest</b>				
70125 SALARIES	\$ 23,273.21	\$ 128,093.00	\$ (104,819.79)	\$ (81.83)
70150 PAYROLL TAXES	1,772.48	11,184.00	(9,411.52)	(84.15)
70200 ADVERTISING	0.00	8,000.00	(8,000.00)	(100.00)
70205 PUBLIC RELATIONS	0.00	2,500.00	(2,500.00)	(100.00)
70260 SPECIAL EVENTS	148.75	7,000.00	(6,851.25)	(97.88)
70300 DUES & SUBSCRIPTIONS	0.00	500.00	(500.00)	(100.00)
71000 SUPPLIES	291.89	11,500.00	(11,208.11)	(97.48)
71085 LANDSCAPING	0.00	500.00	(500.00)	(100.00)
71095 UNIFORMS	0.83	750.00	(749.17)	(99.89)
72000 TELEPHONE	1,087.81	12,000.00	(10,912.19)	(90.93)
72500 UTILITIES	3,048.84	45,000.00	(41,951.16)	(93.22)
73000 CONFER & TRAINING	142.36	500.00	(357.64)	(71.53)
73500 VEHICLE & TRAVEL	0.00	1,500.00	(1,500.00)	(100.00)
78600 EQUIPMENT MAINT	0.00	2,000.00	(2,000.00)	(100.00)
78900 BLDG/GROUND MAINT	88.97	25,000.00	(24,911.03)	(99.64)
78990 REFUNDS	600.00	0.00	600.00	0.00
78995 CAPITAL REPAIRS	0.00	20,000.00	(20,000.00)	(100.00)
79000 CAPITAL DISB	0.00	7,500.00	(7,500.00)	(100.00)
<b>Total Sherwood Forest Disbursements</b>	<b>\$ 30,455.14</b>	<b>\$ 293,527.00</b>	<b>\$ (253,071.86)</b>	<b>\$ (89.26)</b>
<b>After School Day Camp</b>				
70125 SALARIES AFT/SCH	\$ 22,594.82	\$ 185,000.00	\$ (162,405.38)	\$ (87.79)
70150 PAYROLL TAXES	1,897.24	14,213.00	(12,515.76)	(88.06)
71000 SUPPLIES	0.00	8,000.00	(8,000.00)	(100.00)
71095 UNIFORMS	0.00	1,000.00	(1,000.00)	(100.00)
73500 VEHICLES AFT/SCH	90.48	3,500.00	(3,409.52)	(97.41)
74600 GAMES & PROGRAM MAT	0.00	3,000.00	(3,000.00)	(100.00)
78995 CAPITAL REPAIRS	0.00	5,000.00	(5,000.00)	(100.00)
79000 CAPITAL DISB	0.00	27,000.00	(27,000.00)	(100.00)
<b>Total After School Day Camp Disb.</b>	<b>\$ 24,382.34</b>	<b>\$ 244,713.00</b>	<b>\$ (220,330.66)</b>	<b>\$ (90.04)</b>
<b>Youth Council</b>				
77020 YTH COUNCIL EXPENSE	\$ 74.87	\$ 500.00	\$ (425.13)	\$ (85.03)
<b>Total Youth Council</b>	<b>\$ 74.87</b>	<b>\$ 500.00</b>	<b>\$ (425.13)</b>	<b>\$ (85.03)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Greens at North Hills</b>				
70125 SALARIES - GR NH	\$ 55,046.76	\$ 353,294.00	\$ (298,247.24)	\$ (84.42)
70150 PAYROLL TAXES	4,134.04	27,328.00	(23,193.96)	(84.87)
70200 ADVERTISING	21.59	5,000.00	(4,978.41)	(99.57)
70300 SUBSCRIP/PROF DUES	110.00	2,000.00	(1,890.00)	(94.50)
71000 SUPPLIES	581.15	17,000.00	(16,418.85)	(96.58)
71010 OFFICE SUPPLIES	0.00	2,000.00	(2,000.00)	(100.00)
71015 COMPUTER SUPPLIES	0.00	600.00	(600.00)	(100.00)
71080 AGRI SUPPLIES	441.86	55,000.00	(54,558.14)	(99.20)
71085 LANDSCAPING	0.00	1,000.00	(1,000.00)	(100.00)
71090 MISC TOOLS/SMALL EQ	85.50	2,000.00	(1,914.50)	(95.73)
71095 UNIFORMS	0.00	2,500.00	(2,500.00)	(100.00)
71500 POSTAGE	0.00	250.00	(250.00)	(100.00)
72000 TELEPHONE	1,647.49	6,000.00	(4,352.51)	(72.54)
72500 UTILITIES	6,034.83	125,000.00	(118,965.17)	(95.17)
73005 CONVENTION/TRAVEL	0.00	4,500.00	(4,500.00)	(100.00)
73600 VEHICLE MAINT NHP	0.00	30,000.00	(30,000.00)	(100.00)
78500 EQUIP MAINT REPAIRS	24.22	13,000.00	(12,975.78)	(99.81)
78505 EQUIP RENTAL/LEASE	12,948.82	110,000.00	(97,051.08)	(88.23)
78900 BLDG/GROUNDS MAINT	1,223.77	30,000.00	(28,776.23)	(95.92)
78990 REFUND NORTH HILLS	950.00	0.00	950.00	0.00
78996 CAPITAL REPAIRS	0.00	25,000.00	(25,000.00)	(100.00)
79000 CAPITAL DISB	0.00	6,000.00	(6,000.00)	(100.00)
<b>Total Greens at North Hills Disbursements</b>	<u>\$ 83,250.13</u>	<u>\$ 817,472.00</u>	<u>\$ (734,221.87)</u>	<u>\$ (89.82)</u>
<b>Sports Complex</b>				
70125 SALARY SPTS CMLX	\$ 26,536.30	\$ 257,168.00	\$ (230,621.70)	\$ 89.68
70150 PAYROLL TAXES-SPTS CMLX	1,942.42	21,340.00	(19,397.58)	90.90
70160 ATHLETIC SERVICES	315.00	6,500.00	(6,185.00)	95.15
71030 SPORTING GOOD SUPPLIES	0.00	7,000.00	(7,000.00)	100.00
71080 AGRICULTURAL SUPPLIES	0.00	15,000.00	(15,000.00)	100.00
77030 SPORTS COMPLEX EXPENSE	5,297.84	175,000.00	(169,702.16)	96.97
78991 CONCESSIONS EXPENSE	0.00	80,000.00	(80,000.00)	100.00
78992 LEASE EQUIPMENT	424.00	18,000.00	(17,576.00)	97.64
79000 CAPITAL DISBURSEMENTS	0.00	17,900.00	(17,900.00)	100.00
<b>Total Sports Complex Disbursements</b>	<u>\$ 34,515.56</u>	<u>\$ 597,898.00</u>	<u>\$ (563,382.44)</u>	<u>\$ (94.23)</u>

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**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Senior Citizens</b>				
70100 SALARY - DIRECTOR	\$ 11,470.53	\$ 66,022.00	\$ (54,551.47)	\$ (82.83)
70125 SALARIES	14,902.21	88,020.00	(73,117.79)	(83.07)
70150 PAYROLL TAXES	1,972.94	11,587.00	(9,614.06)	(82.97)
70265 SENIOR PROGRAM	344.68	9,000.00	(8,655.32)	(96.17)
70270 MEALS ON WHEELS	0.00	25,000.00	(25,000.00)	(100.00)
70275 PROGRAM FUND RAISER	0.00	1,000.00	(1,000.00)	(100.00)
71000 OFFICE SUPPLIES	88.30	3,000.00	(2,911.70)	(97.06)
71025 BUILDING SUPPLIES	503.22	14,000.00	(13,496.78)	(96.41)
71095 UNIFORMS	0.00	700.00	(700.00)	(100.00)
71500 POSTAGE	132.00	2,200.00	(2,068.00)	(94.00)
72000 TELEPHONE	767.11	4,800.00	(4,032.89)	(84.02)
72500 UTILITIES	1,373.88	22,000.00	(20,626.12)	(93.76)
73000 CONFER/TRAINING	0.00	1,000.00	(1,000.00)	(100.00)
73500 TRAVEL/VEH MAINT	5,558.82	8,000.00	(2,441.18)	(30.51)
74000 VENDING	0.00	200.00	(200.00)	(100.00)
78900 CAPITAL DISB. ST CITIZEN CENTER	0.00	11,000.00	(11,000.00)	(100.00)
<b>Total Senior Citizens Disbursements</b>	<b>\$ 37,113.89</b>	<b>\$ 267,529.00</b>	<b>\$ (230,415.31)</b>	<b>\$ (86.13)</b>

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**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

	1 Month Ended	Year Ended		
	January 31, 2015	December 31, 2015		
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Animal Control</b>				
70100 SALARY - DIRECTOR	\$ 7,451.88	\$ 51,863.00	\$ (44,211.12)	\$ (85.58)
70125 SALARIES	30,383.24	170,414.00	(140,030.76)	(82.17)
70150 PAYROLL TAXES	2,886.16	18,428.00	(15,541.84)	(84.34)
70160 VETERINARIAN	0.00	2,628.00	(2,628.00)	(100.00)
70205 PUBLIC RELATIONS	48.83	300.00	(251.17)	(83.72)
70300 DUES & SUBSCRIPTIONS	0.00	170.00	(170.00)	(100.00)
71000 SUPPLIES & SERVICES	744.13	20,000.00	(19,255.87)	(96.28)
71035 SURGERY SUPPLIES	227.13	10,000.00	(9,772.87)	(97.73)
71095 UNIFORMS	98.09	2,500.00	(2,401.91)	(96.08)
71500 POSTAGE	8.00	150.00	(144.00)	(96.00)
72500 UTILITIES	1,931.95	19,920.00	(17,988.05)	(90.30)
73000 EDUC & TRAINING	0.00	2,500.00	(2,500.00)	(100.00)
73500 VEHICLE MAINTENANCE	232.32	6,000.00	(5,767.68)	(96.13)
75500 PET FOOD	0.00	2,500.00	(2,500.00)	(100.00)
75505 SURGERY	725.00	13,750.00	(13,025.00)	(94.73)
75510 CREMATIONS SERVICES	165.00	4,000.00	(3,835.00)	(95.88)
78900 BUILDING MAINT	0.00	2,400.00	(2,400.00)	(100.00)
<b>Total Animal Control Disbursements</b>	<b>\$ 44,899.73</b>	<b>\$ 327,323.00</b>	<b>\$ (282,423.27)</b>	<b>\$ (86.28)</b>

See Accountant's Compilation Report

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015                      December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Public Works</b>				
70125 SALARIES - DRAINAGE	\$ 41,897.87	\$ 324,158.00	\$ (282,260.13)	\$ (87.07)
70150 PAYROLL TAXES	3,167.60	25,000.00	(21,832.40)	(87.33)
70155 CONTRACT LABOR	477.12	1,000.00	(522.88)	(52.29)
71090 EQUIP/SFTWARE/TRAINING	0.00	4,500.00	(4,500.00)	(100.00)
77050 DRAINAGE WORK	0.00	100,000.00	(100,000.00)	(100.00)
77065 SIDEWALKS	0.00	25,000.00	(25,000.00)	(100.00)
79000 CAPITAL DISB	0.00	3,500.00	(3,500.00)	(100.00)
<b>Total Public Works Disbursements</b>	<u>\$ 45,542.59</u>	<u>\$ 483,158.00</u>	<u>\$ (437,615.41)</u>	<u>\$ (90.57)</u>

**CITY OF SHERWOOD - GENERAL FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015                      December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Total Disbursements</b>	\$ 2,480,878.11	\$ 20,283,894.00	\$ (17,803,215.89)	\$ (87.77)
<b>Excess Receipts Over Disbursements</b>	\$ (468,568.13)	\$ 0.00	\$ (468,568.13)	\$ 0.00

**CITY OF SHERWOOD - STREET FUND**  
**Statement of Assets, Liabilities and Fund Balance**  
**As of January 31, 2015**  
**UNAUDITED**

**ASSETS**

<b>CURRENT ASSETS</b>	
11102 CASH IN BANK	\$ 1,512,319.64
11107 GARNISHMENT/CHILD SUPPORT	<u>904.00</u>
<b>Total Current Assets</b>	<b>\$ <u>1,513,223.64</u></b>
<b>TOTAL ASSETS</b>	<b>\$ <u>1,513,223.64</u></b>

**LIABILITIES AND FUND BALANCE**

<b>CURRENT LIABILITIES</b>	
21204 STATE W/H TAX	\$ 2,092.67
21205 GROUP INS PAYABLE	781.76
21218 RETIREMENT PLAN	<u>38,620.92</u>
<b>Total Current Liabilities</b>	<b>\$ <u>41,495.35</u></b>
<b>Total Liabilities</b>	<b>\$ <u>41,495.35</u></b>
<b>FUND BALANCE</b>	
31200 FUND BALANCE	\$ 1,503,478.28
EXCESS RECEIPTS OVER DISBURSEMENTS	<u>(31,749.99)</u>
<b>Total Fund Balance</b>	<b>\$ <u>1,471,728.29</u></b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ <u>1,513,223.64</u></b>

**CITY OF SHERWOOD - STREET FUND**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015      December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Receipts</b>				
51301 PROP TAX - COUNTY RD	\$ 15,291.91	\$ 600,000.00	\$ (584,708.09)	\$ (97.45)
51302 STATE HIGHWAY REVENUE	160,576.39	1,900,000.00	(1,739,423.61)	(91.55)
51303 INTEREST RECEIVED	623.75	8,000.00	(7,376.25)	(92.20)
51308 STREET REFUNDS	974.00	0.00	974.00	0.00
52331 BILL HARMON REC CENTER	27.69	0.00	27.69	0.00
<b>Total Receipts</b>	<u>\$ 177,493.74</u>	<u>\$ 2,508,000.00</u>	<u>\$ (2,330,506.26)</u>	<u>\$ (92.92)</u>
<b>Disbursements</b>				
70111 SALARY - SUPT	\$ 11,137.88	\$ 64,108.00	\$ (52,970.12)	\$ (82.63)
70112 SALARIES	54,118.94	355,000.00	(300,881.06)	(84.76)
70380 GROUP INSURANCE	3,700.12	45,000.00	(41,299.88)	(91.78)
71001 PAVING & MATERIAL	2,037.21	200,000.00	(197,962.79)	(98.98)
71002 SIGNS	254.56	20,000.00	(19,745.44)	(98.73)
71003 EQUIP OPER & MAINT	1,554.75	120,000.00	(118,445.25)	(98.70)
71004 DRAINAGE	18,000.00	50,000.00	(32,000.00)	(64.00)
71005 UTILITIES	3,252.15	26,400.00	(23,147.85)	(87.66)
71007 PROFESSIONAL FEES	0.00	25,000.00	(25,000.00)	(100.00)
71010 UNIFORMS	26.58	12,500.00	(12,473.42)	(99.79)
71012 INSURANCE	28,808.46	38,400.00	(9,591.54)	(24.98)
71014 PAYROLL TAXES	4,989.68	37,750.00	(32,760.34)	(86.79)
71015 BLDG MAINTENANCE	359.67	20,000.00	(19,640.33)	(98.20)
71016 SUPPLIES	457.94	25,000.00	(24,542.06)	(98.17)
71017 STREET LIGHTS UTIL	22,419.02	300,000.00	(277,580.98)	(92.53)
71018 SIDEWALK	0.00	80,000.00	(80,000.00)	(100.00)
71019 TRAFFIC CONTROL	658.20	55,000.00	(54,341.80)	(98.80)
71020 TRAINING	0.00	1,000.00	(1,000.00)	(100.00)
71021 STREET IMPROVEMENT	0.00	684,046.00	(684,046.00)	(100.00)
71030 BRIDGE REPAIR	451.81	10,000.00	(9,548.19)	(95.48)
71090 TOOL/MANUAL ALLOW	780.00	3,120.00	(2,340.00)	(75.00)
71091 MARYLAND AVE PROJECT	53,682.00	200,000.00	(146,318.00)	(73.16)
71094 EMPL RETIREMT 457	2,554.78	19,467.00	(16,912.22)	(86.88)
81180 CAPITAL DISBURSEMENTS	0.00	116,200.00	(116,200.00)	(100.00)
<b>Total Disbursements</b>	<u>\$ 209,243.73</u>	<u>\$ 2,508,000.00</u>	<u>\$ (2,298,756.27)</u>	<u>\$ (91.66)</u>
<b>Excess Receipts Over Disbursements</b>	<u>\$ (31,749.99)</u>	<u>\$ 0.00</u>	<u>\$ (31,749.99)</u>	<u>\$ 0.00</u>

See Accountant's Compilation Report

**SHERWOOD WASTEWATER UTILITY**  
**Statement of Assets, Liabilities and Fund Balance**  
**As of January 31, 2015**  
**UNAUDITED**

**ASSETS**

<b>CURRENT ASSETS</b>	
105 CASH IN BANK	\$ 1,408,539.67
107 WASTEWATER RESERVE	457,598.38
122 ACCOUNTS RECEIVABLE	<u>115,813.91</u>
<b>Total Current Assets</b>	<b>\$ 1,981,951.96</b>
<b>PROPERTY AND EQUIPMENT</b>	
220 EQUIPMENT	641,525.27
230 CONSTR IN PROGRESS	614,179.95
232 SEWER FACILITY SYSTEM	10,913,404.16
233 SEWER IMPROVEMENTS	45,567.32
235 BUILDINGS	381,958.88
240 ACCUM DEPRECIATION	<u>(4,801,477.98)</u>
<b>Net Property and Equipment</b>	<b><u>7,796,157.40</u></b>
<b>TOTAL ASSETS</b>	<b>\$ <u>9,777,109.36</u></b>

**LIABILITIES AND FUND BALANCE**

<b>CURRENT LIABILITIES</b>	
305 ACCOUNTS PAYABLE	\$ (100.67)
362 STATE INCOME TAX W/H	1,632.76
365 RETIREMENT PLAN	32,025.50
360 GARNISHMENT/CHLD SPPT	<u>290.40</u>
<b>Total Current Liabilities</b>	<b>\$ <u>33,847.99</u></b>
<b>Total Liabilities</b>	<b>\$ <u>33,847.99</u></b>
<b>FUND BALANCE</b>	
440 FUND BALANCE	\$ 9,720,737.39
EXCESS RECEIPTS OVER DISBURSEMENTS	<u>22,523.98</u>
<b>Total Fund Balance</b>	<b>\$ <u>9,743,261.37</u></b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ <u>9,777,109.36</u></b>

See Accountant's Compilation Report

**SHERWOOD WASTEWATER UTILITY**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

1 Month Ended                      Year Ended  
January 31, 2015              December 31, 2015

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Receipts</b>				
504 TIE-ON FEES	\$ 600.00	\$ 7,000.00	\$ (6,400.00)	\$ (91.43)
505 SERVICE CHARGE	106,410.72	1,377,000.00	(1,270,589.28)	(92.27)
506 INTEREST EARNED	647.98	4,500.00	(3,852.02)	(85.60)
AVAILABLE RESERVE	0.00	143,404.00	(143,404.00)	(100.00)
<b>Total Receipts</b>	<u>\$ 107,658.70</u>	<u>\$ 1,531,904.00</u>	<u>\$ (1,424,245.30)</u>	<u>\$ (92.97)</u>
<b>Disbursements</b>				
670 TREATMENT CHARGES	\$ 0.00	\$ 339,000.00	\$ (339,000.00)	\$ (100.00)
672 ENG/PROF FEES	1,050.00	20,000.00	(18,950.00)	(94.75)
673 LEGAL FEES	500.00	10,000.00	(9,500.00)	(95.00)
674 DUES & SUBSCRIPTIONS	1,008.65	15,000.00	(13,991.35)	(93.28)
680 GROUP INSURANCE	2,566.56	42,000.00	(39,433.44)	(93.89)
686 INSURANCE	6,199.74	10,000.00	(3,800.26)	(38.00)
738 REPAIR & MAINT	1,132.47	88,000.00	(86,867.53)	(98.71)
739 EMPL RETIREMT 457	1,611.22	18,550.00	(16,938.78)	(91.31)
740 UNIFORMS	0.00	5,500.00	(5,500.00)	(100.00)
745 SALARIES	50,244.97	333,904.00	(283,659.03)	(84.95)
750 LICENSE & PERMIT	2,824.00	9,000.00	(6,176.00)	(68.62)
752 TOOLS & EQUIP	0.00	24,000.00	(24,000.00)	(100.00)
758 SUPPLIES	1,231.78	30,000.00	(28,768.24)	(95.89)
767 PRINTING	0.00	250.00	(250.00)	(100.00)
761 CHEMICALS	461.13	12,000.00	(11,538.87)	(96.16)
763 TAXES - PAYROLL	3,802.25	32,800.00	(28,997.75)	(88.41)
764 MANHOLE REHAB/REPAIRS	0.00	16,000.00	(16,000.00)	(100.00)
765 PUMPSTATION IMPROVEMENTS	0.00	49,000.00	(49,000.00)	(100.00)
766 TELEPHONE	1,431.09	11,500.00	(10,068.91)	(87.56)
767 TREATMENT PLANT IMPR	0.00	150,000.00	(150,000.00)	(100.00)
768 RENTAL EQUIPMENT	494.55	10,000.00	(9,505.45)	(95.05)
775 TRAINING/SEMINARS	0.00	6,000.00	(6,000.00)	(100.00)
780 UTILITIES	8,471.27	120,000.00	(111,528.73)	(92.94)
790 VEHICLE OPERATION	641.06	26,000.00	(25,358.94)	(97.53)
795 CAPITAL DISBURSEMENTS	0.00	45,000.00	(45,000.00)	(100.00)
796 POINT REPAIRS	0.00	20,000.00	(20,000.00)	(100.00)
797 LINE REPLACEMENTS	0.00	50,000.00	(50,000.00)	(100.00)
799 LABORATORY EQUIPMENT	0.00	9,800.00	(9,800.00)	(100.00)
800 LABORATORY TESTING	1,464.00	28,800.00	(27,336.00)	(94.92)
<b>Total Disbursements</b>	<u>\$ 85,134.72</u>	<u>\$ 1,531,904.00</u>	<u>\$ (1,448,769.28)</u>	<u>\$ (94.44)</u>
<b>Excess Receipts Over Disbursements</b>	<u>\$ 22,523.98</u>	<u>\$ 0.00</u>	<u>\$ 22,523.98</u>	<u>\$ 0.00</u>

See Accountant's Compilation Report

**CITY OF SHERWOOD 1% SALES TAX**  
**Statement of Assets, Liabilities and Fund Balance**  
**As of January 31, 2015**  
**UNAUDITED**

**ASSETS**

**CURRENT ASSETS**

105 CASH IN EAGLE BANK	\$ 1,412,168.47
107 1% SALES TAX RESERVE	559,461.42
114 CERT OF DEPOSIT	248.57
132 ACCRUED INT RECEIVABLE	7,407.28
150 DUE FROM GENERAL FUND	17,127.87
233 SEWER IMPROVEMENTS	<u>20,954.23</u>

**Total Current Assets** \$ 2,017,365.64

**TOTAL ASSETS** \$ 2,017,365.64

**LIABILITIES AND FUND BALANCE**

**CURRENT LIABILITIES**

302 ACCRUED INT PAYABLE	\$ 4,542.20
306 BONDS PAYABLE	<u>861,249.00</u>

**Total Current Liabilities** \$ 865,791.20

**Total Liabilities** \$ 865,791.20

**FUND BALANCE**

490 FUND BALANCE	\$ 1,207,157.47
EXCESS RECEIPTS OVER DISBURSEMENTS	<u>(55,583.03)</u>

**Total Fund Balance** \$ 1,151,574.44

**TOTAL LIABILITIES AND FUND BALANCE** \$ 2,017,365.64

**CITY OF SHERWOOD 1% SALES TAX**  
**Statement of Receipts and Disbursements - Actual vs. Budget**  
**For the 1 Month Ended January 31, 2015**  
**UNAUDITED**

	1 Month Ended	Year Ended		
	January 31, 2015	December 31, 2015		
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCT</u>
<b>Receipts</b>				
506 INTEREST EARNED	\$ 690.94	\$ 18,000.00	\$ (17,309.06)	\$ (96.16)
AVAILABLE RESERVE	0.00	380,000.00	(380,000.00)	(100.00)
<b>Total Receipts</b>	<u>\$ 690.94</u>	<u>\$ 378,000.00</u>	<u>\$ (377,309.06)</u>	<u>\$ (99.82)</u>
<b>Disbursements</b>				
672 ENG/PROF FEES	\$ 47,708.00	\$ 200,000.00	\$ 152,294.00	\$ (76.15)
751 SEWER STUDY	0.00	75,000.00	75,000.00	(100.00)
768 SEWER BOND PAYMENT	8,567.97	103,000.00	94,432.03	(91.68)
<b>Total Disbursements</b>	<u>\$ 56,273.97</u>	<u>\$ 378,000.00</u>	<u>\$ (321,726.03)</u>	<u>\$ (85.11)</u>
<b>Excess Receipts Over Disbursements</b>	<u>\$ (55,583.03)</u>	<u>\$ 0.00</u>	<u>\$ (55,583.03)</u>	<u>\$ 0.00</u>

See Accountant's Compilation Report



**RESOLUTION NO.**

**A RESOLUTION ADOPTING A REVISED CITY OF SHERWOOD EMPLOYEE HANDBOOK**

Be it resolved by the City Council of Sherwood, Arkansas.

**Section 1.** The prior version of the handbook was completed in 2005.

**Section 2.** Policy changes and changes in federal and/or state rules and regulations necessitate an updated version for employees as a guideline.

**Section 3.** “City of Sherwood Employee Handbook” (Exhibit A) is attached and therefore incorporated as part of this resolution.

**Section 4.** The City of Sherwood City Council hereby adopts the City of Sherwood Employee Handbook (Exhibit A).

**ADOPTED** on this 23rd day of **February, 2015.**

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

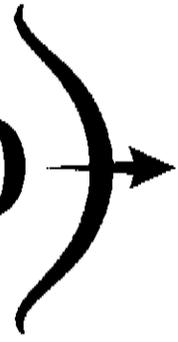
\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

CITY  
OF **SHERWOOD**

Close to the action, far from the noise



# **EMPLOYEE HANDBOOK**

**Revision: February, 2015**

**CITY OF SHERWOOD**  
**EMPLOYEE HANDBOOK**  
**JANUARY, 2015**  
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## **CHAPTER 1**

### **GENERAL POLICIES**

#### **1.1 PURPOSE**

This Employee Handbook contains policies, practices and procedures which are necessary to implement and administer the City's personnel system. By adopting this handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Employee Policy Manual contains all rules and policies regarding all Sherwood employees with the exception of the Sherwood Police Department policies and procedures. Employees are cautioned not to rely on any policy or practice not contained herein or contained within the Police Department policies and procedures manual.

**This handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. The City of Sherwood is an at-will employer under law and nothing in this handbook shall waive the City's at-will status.**

#### **1.2 SCOPE**

All employees of the City of Sherwood are subject to the application of the personnel policies and procedures described in this handbook.

#### **1.3 DEFINITIONS**

**EMPLOYEE** - An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during any given time period or the length of their term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer or prescribed fee. All employees are at-will.

**EXEMPT EMPLOYEE** - Employee who is not eligible for overtime as defined by the Fair Labor Standards Act.

**FULL-TIME EMPLOYEE** - Employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by the City Council for full-time work.

**IMMEDIATE FAMILY MEMBER** - For purposes of this handbook, this shall mean mother, father, step-mother, step-father, brother, sister, son, daughter, grandparents, son-in-law, or daughter-in-law and spouse, spouse's parents, children of either spouse, and grandchildren of either spouse. This definition refers to the direct relationship to the City of Sherwood employee only.

**NON-EXEMPT EMPLOYEE** - Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

**OVERTIME** - Hours worked in excess of 40 hours during a regular work week with the exception of certain sworn uniformed law enforcement officers. Some sworn uniformed law enforcement officers will be paid overtime for work performed in excess of 86 hours in a 14 day work period.

**PART-TIME EMPLOYEE** - Employee who is regularly scheduled to work in a position whose daily, weekly or monthly hours are less than the hours established for full-time employees.

**SUPERVISOR** - Person who has been designated to oversee other employees in a department.

**TEMPORARY EMPLOYEE** - An employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

**WORK WEEK** - Seven (7) day period beginning at 12:01 a.m. on Monday, except for certain sworn uniformed law enforcement officers and any other employees specifically excluded from this provision by the terms of this handbook.

#### **1.4 AMENDMENTS AND REVISIONS**

This manual may be amended and revised periodically as necessary at the direction of the City Council.

Since personnel practices and procedures are in a constant state of change, the City will continuously review this handbook for amendments or revisions which might better serve the needs of the City of Sherwood and its employees. As such, this handbook has been designed to be routinely updated and amended as the need arises.

The City of Sherwood shall have the exclusive right to change, alter, delete, add or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall be approved by resolution of the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual; however, advance notice may not always be possible.

#### **1.5 DISTRIBUTION LIST**

A copy of this manual and all subsequent revisions or amendments shall be distributed to all employees and made available for review to elected and/or appointed City officials.

## **CHAPTER 2**

### **EQUAL EMPLOYMENT OPPORTUNITY**

#### **2.1 EQUAL OPPORTUNITY EMPLOYER**

The City of Sherwood is committed to providing equal employment opportunity without regard to race, sex, color, age, national origin, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, marital status, amnesty or status as a covered veteran as required by all federal and state laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

#### **2.2 AMERICANS WITH DISABILITIES ACT (AND AMENDMENTS)**

The City of Sherwood abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Human Resources Director. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

#### **2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT**

##### **2.3.1 POLICY**

The City of Sherwood expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, sex, color, age, national origin, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, marital status, amnesty or status as a covered veteran. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

##### **2.3.2 PROHIBITED CONDUCT DEFINED**

Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e. race, sex, color, age, national origin, religion, disability, gender, sexual orientation, gender identity or expression, genetic information, marital status, amnesty or status as a covered veteran.

Discrimination or harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct, including but not limited to the following actions:

- Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist or other derogatory materials, i.e., posters, emails, calendars, magazines;

- Discriminating against any employee in work assignments or job-related training because of one of the above referenced bases;
- Intentional physical contact with either gender specific portions of a person's body or that person's private parts, i.e., pinching, gestures, unwelcome touching;
- Making offensive comments (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment;
- Overtly using one's title or position to sexually or otherwise harass employees.

Discrimination or harassment based upon a person's protected status, is prohibited by federal and state anti-discrimination laws and violates city policy where it:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise unreasonably affects an individual employment opportunity.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and is prohibited under the City's harassment policy when:

- Submission to the conduct is either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
- The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment includes but is not limited to:

Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex;

- Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement;
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station;
- Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement upon the employee's acquiescence to sexually harassing behavior in the workplace).

## **2.4 COMPLAINT REPORTING AND INVESTIGATION**

The City is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- Determine if the conduct alleged in the complaint took place and constitutes harassment which violates federal and/or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy;
- Stop the offending behavior;
- Restore the complainant's working environment;
- Take steps to prevent retaliation and repetition of the harassment;
- Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

It is every employee's and official's responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:

- An employee must immediately report the harassment or suspected harassment, preferably in writing, to the Human Resources Director. If the Human Resources Director is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Mayor or to the City Attorney. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment.
- Any supervisor or department head that learns of or receives a complaint of harassment is obligated to report it to the Human Resources Director.
- Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.
- If it is determined that harassment has occurred, the City shall take appropriate corrective disciplinary action, which may include but not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.
- No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Sherwood will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated the City's policy against such retaliation.
- If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred back to the department director for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the department director shall determine the manner in which to act upon the findings set forth in the investigative report.
- An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

## **CHAPTER 3**

### **GENERAL EMPLOYMENT POLICIES**

#### **3.1 AT-WILL EMPLOYER**

The City of Sherwood is an at-will employer. This means that the City of Sherwood or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

This handbook is not intended to create any contractual or other legal rights, it does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

#### **3.2 AUTHORITY TO HIRE AND FIRE**

The City of Sherwood's Mayor has duly appointed each department of the city a director. Each director, whether an elected official or a duly appointed employee, has the authority to hire and fire employees in their respective departments. On occasion it is necessary for a department director to consult with the Human Resources director and/or the Mayor before decisions of this magnitude are finalized. This consultation does not interfere with the authority of each department director and discretion afforded to them to meet the needs of the citizens of Sherwood or their department's needs.

#### **3.3 JOB POSTING AND ADVERTISING**

An application for employment will be accepted for any posted job vacancy from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the Human Resources office. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, the position or positions open will be announced and posted at least five (5) days prior to the deadline for receiving applications, with the exception of internal only postings and emergencies declared by the Mayor. Copies of the job announcement will be distributed to, as appropriate, City departments, public and private agencies, newspapers, social media, and other sources which might recruit applicants.

Applications for full-time employment will not be accepted from anyone less than eighteen (18) years of age. Except as otherwise provided by Arkansas law, the department director is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

### **3.4 EMPLOYMENT APPLICATIONS AND RESUMÉS**

The City of Sherwood relies upon the accuracy of information contained in the employment applications and resumés submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures.

### **3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS**

Prior to employment with the city but, after the City makes a conditional offer of employment, candidates for positions as police officers will be required to pass a pre-employment physical examination. All police officer candidates must successfully pass a pre-employment drug screen. Other candidates for non-uniformed positions are subject to pre-employment drug screens as necessary for the position offered.

### **3.6 FITNESS FOR DUTY EXAM**

Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions, with or without reasonable accommodation, or who pose a direct safety threat to themselves or others, shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Human Resources Director shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied.

### **3.7 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991**

It is the City of Sherwood's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The City of Sherwood will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Sherwood, the City's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

### **3.8 DRUG AND ALCOHOL TESTING**

The City of Sherwood has a responsibility to ensure safe-working conditions for its employees and a productive city workforce unimpaired by chemical substance abuse. To satisfy these

responsibilities, the City is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination.

Any city employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including termination. For additional information regarding the City policy on the Drug Free Workplace, please refer to the ordinance in Appendix A of this handbook.

### **3.8.1 FITNESS FOR DUTY**

Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act (ADA) and amendments. The City will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the City will result in appropriate disciplinary action, including termination.

### **3.8.2 NOTIFICATION**

As a condition of employment with the City, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off city premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

## **3.9 NEPOTISM**

The City will not employ an individual in any regular full or part-time, temporary, or seasonal job where a relative would have a direct or indirect supervisory relationship to that person. A supervisory relationship is defined as hiring, supervising, evaluating the performance of, disciplining or terminating an individual.

## **CHAPTER 4**

### **COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS**

#### **4.1 ATTENDANCE**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the City of Sherwood and their individual department directives. Regular and punctual attendance is an essential job duty for every employee with the City of Sherwood.

#### **4.2 WORK HOURS**

Except for police officers, the standard work week shall consist of forty (40) hours per week within a seven day period, unless otherwise arranged by the employee's department director to meet specific departmental needs. Work hours for police shall be in accordance with state statutes and department regulations.

Departments may vary employees' schedules based upon departmental necessity. The standard work week is Monday through Sunday. Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the department director.

The City reserves the right to adjust and change hours of work, days of work and schedule to fulfill its responsibility to the citizens of the City of Sherwood. In an emergency, previously-scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department director. Changes in work schedule will be announced as far in advance as practicable but can be changed with little or no notice.

#### **4.3 UNAUTHORIZED WORK TIME**

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action including but not limited to termination.

#### **4.4 COMPENSATION**

##### **4.4.1 REPORTING AND VERIFYING HOURS WORKED**

Compensation for employment with the City of Sherwood may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked by utilizing the time and attendance system assigned by their department director. It is the responsibility of each employee to properly use the system as directed. All employees must submit their time worked each pay period to their supervisor for approval and payroll processing. The supervisors shall forward the same to the Payroll Coordinator in a timely manner to ensure that proper records are kept as to time worked and any leave taken.

#### **4.4.2 PAYROLL RECORDS**

The Payroll Coordinator shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department director, and individual employees shall be able to inspect their own records during normal business hours.

#### **4.4.3 PAYROLL PROCEDURES AND PAYDAY**

Employees are paid every two weeks. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to their department director.

### **4.5 OVERTIME AND COMPENSATORY TIME**

#### **4.5.1 OVERTIME**

The City will pay overtime in accordance with the Fair Labor Standards Act at one and half times the base rate or hourly rate for all hours worked in excess of the hours per week set forth in the WORK HOURS section of this handbook.

Overtime will be permitted only with prior approval of the department director prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to termination.

#### **4.5.2 COMPENSATORY TIME**

Compensation for overtime may be made in the form of compensatory leave time ("comp time") to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per week unless the employee is working in a classification with special overtime rules under FLSA (i.e., Police Officers). Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the City of Sherwood Payroll Coordinator shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken during the calendar year earned and should be scheduled before the use of an employee's vacation leave. By signing the acknowledgement enclosed in this handbook, the employee and City agree that compensatory time may be given in lieu of overtime payments.

#### **4.5.3 NON-EXEMPT AND EXEMPT EMPLOYEES**

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this handbook.

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular work week.

Certain uniformed, sworn law enforcement officers' overtime is not measured in terms of 40-hour work weeks but will be paid for work performed in excess of 86 hours in a 14-day work period.

#### **4.6 REDLINING**

The City makes every effort to be fair and competitive in its salary compensation program. As stewards of monies paid by the citizens of Sherwood, it is important that the compensation City employees receive be monitored and administered equitably while remaining within the market value assigned to each position. Part of the compensation program involves the practice of redlining salaries as necessary. A redlined salary or rate of pay of an individual is at or above the maximum salary range for their assigned job. Job descriptions for every city position are updated as necessary and reflect all essential functions and secondary functions of the job duties to be performed. Audits are performed on city positions to ensure that job descriptions accurately reflect the actual job duties. Any employee who is redlined will receive no further compensation increases to their base salary until such time as their salary is below the maximum of the assigned salary range. If the City of Sherwood City Council approves a cost-of-living increase for city employees, the redlined employee will receive a lump sum amount equal to the COLA percentage times their base salary. The COLA percentage will not be added to their base salary.

#### **4.7 EMERGENCY SITUATIONS**

It is the policy of the City to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City offices. Such situations shall be determined by the Mayor after

consideration of all facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

At times it may become necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be approved by the Mayor. Arrangements shall be made with other departments to handle any emergency situations during the department's closure. A skeleton crew shall remain in each department to cover phone calls and assist the public whenever possible.

#### **4.8 TEMPORARY AND SEASONAL EMPLOYEES**

On occasion, the City may hire temporary or seasonal employees who are hired for a set duration, (i.e. such as a lifeguard for an outdoor swimming pool) or for a specific project. These employees are not intended to be employed on a regular basis and are employed at-will. Temporary employees may be hired full or part-time and are paid for actual hours worked at a rate determined by the department director. Temporary, non-exempt employees are eligible for overtime for hours exceeding 40 hours per work week, subject to all other overtime policies set forth in this handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other City benefits.

#### **4.9 VACANCIES AND PROMOTIONS**

It is the intent of the City of Sherwood to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Sherwood an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be sent to the appropriate media outlets as necessary throughout the relevant labor market. A job description of each vacant position will be provided upon request.

The final decision regarding hiring or promotions shall be made by the hiring department director.

#### **4.10 TRAINING**

The City of Sherwood is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notification of his/her department director.

#### **4.11 PERFORMANCE EVALUATIONS**

All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance's evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Complete formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean there will be an adjustment to an employee's salary.

#### **4.12 JOB SAFETY**

The City of Sherwood strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or department director for the correct method.

Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- Follow all departmental safety rules,
- Use all mechanical safeguards on or for employee equipment,
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department director,
- Immediately report any unsafe or potentially unsafe working conditions or equipment,
- Immediately report any and every accident to the supervisor or department director.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members, stalking, and the destruction of personal and/or City property.

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted on City property, or in an employee's possession while conducting City business offsite. Of course, theft of any kind will not be tolerated.

#### **4.13 REFUSAL TO WORK**

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

#### **4.14 RESIGNATION/TERMINATION**

Employees who wish to terminate their employment with the City of Sherwood are urged to notify the city at least two weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department director or supervisor. Although not

required, proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are urged to provide the City with a minimum of two months notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

All employment relationships with the City of Sherwood are on an at-will basis. Thus, although the City of Sherwood hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

#### **4.15 EXIT INTERVIEWS**

Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination.

#### **4.16 JOB DESCRIPTIONS**

It shall be the responsibility of the department director to maintain a job description on file for each position in the department. The job description should include scope of responsibility, essential functions of the position, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgment.

## **CHAPTER 5**

### **BENEFITS**

#### **5.1 BENEFITS**

##### **5.1.1 UNIFORMED EMPLOYEES - ANNUAL LEAVE**

Pursuant to Ark. Code Ann. 14-52-106, each employee shall be granted a minimum accrual of an annual vacation of not less than fifteen (15) days with full pay. Uniformed, sworn police officers will accrue according to the following schedule provided they are in an active paid status each pay period.

###### **8 hour work day (11.5 hour work day)**

- 1 - 9 years of service - 120 annual hours (172.5 annual hours)
- 10-12 years of service - 136 annual hours (195.5 annual hours)
- 13-14 years of service - 160 annual hours (230 annual hours)
- 15-20 years of service - 176 annual hours (253 annual hours)
- 21 years or more of service - 200 annual hours (287.5 annual hours)

##### **5.1.2 NON-UNIFORMED EMPLOYEES - ANNUAL LEAVE**

Regular full time non-uniformed employees receive the following annual leave provided they are in a paid status each pay period.

- 1 - 3 years of service - 96 annual hours
- 4 - 9 years of service - 120 annual hours
- 10-15 years of service - 160 annual hours
- 16-20 years of service - 176 annual hours
- 21 years or more of service - 200 annual hours

All regular full time non-uniformed employees may accrue an unlimited amount of hours during each calendar year; however, a maximum of 240 hours may be carried over to the following calendar year. Any unused vacation leave over 240 hours will be forfeited at the end of each calendar year. Any accrued, but unused vacation leave balance up to a maximum of 240 hours, at the time of an employee's separation from service with the City of Sherwood for any reason will be paid as part of the final pay check to the employee, minus any funds owed to the City.

Approval of vacation leave requests falls under the discretion of each employee's department director. The department director evaluates each request on a case-by-case basis and determines approval based on the timeliness of the request and the departmental needs.

## 5.2 HOLIDAYS

The appropriation made by the City of Sherwood for salaries shall include additional pay for holidays for all employees of the city, including but not limited to, uniformed employees, as provided by the laws of the State of Arkansas.

The City of Sherwood observes the following holidays each year:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Personal Day	Employee request and approval of department director

The City of Sherwood will publish a holiday schedule for the subsequent year no later than December 1 of each year. The City of Sherwood reserves the right to change observance of any published holiday. Holidays for uniformed and non-uniformed personnel are paid at eight (8) hours times their regular rate of pay for each day.

### **5.3 INCLEMENT WEATHER**

In the event the City of Sherwood offices are open but an employee is unable to report for work due to inclement weather conditions, the employee may elect to use vacation, personal or accrued compensatory time leave. The employee must report their absence to their immediate supervisor to remain in pay status for any such absence. Failure to report your absence could result in disciplinary action, up to and including termination.

The decision regarding inclement weather will be communicated to local television stations and will be available on the City of Sherwood website at [www.cityofsherwood.net](http://www.cityofsherwood.net). **THE CITY OF SHERWOOD WEBSITE IS THE DEFINITIVE SOURCE FOR ALL EMPLOYEES REGARDING THE INCLEMENT WEATHER STATUS.**

### **5.4 SICK LEAVE**

Pursuant to Ark. Code Ann. 14-52-106, each uniformed, sworn police officer shall be granted a minimum accrual of annual sick leave of not less than twenty (20) days with full pay beginning one (1) year after date of employment. Up to ninety (90) days, or 720 hours, of sick leave will be paid to any uniformed employee upon retirement. If a uniformed employee dies while in an active employment status with the City of Sherwood, up to 720 hours of sick leave will be paid to their beneficiary.

Regular full-time non-uniformed employees receive twelve (12) days of sick leave per year. All non-uniformed employees hired after January 1, 2010, will accrue sick leave during the first six months of employment; however, the accrued balance will not be available for use until the pay period following completion of six months of employment. If a non-uniformed employee dies while employed in an active status any accrued but unused sick leave up to a maximum of 720 hours will be paid to their beneficiary.

All regular full-time employees may accrue up to 720 hours, or 90 days, of sick leave, that may be carried over to the next calendar year if not used. The employee's immediate supervisor or department director must approve all planned sick leave time prior to its usage. Department directors may request that their employees use any planned sick leave for medical or dental appointments at a time that is convenient to the operational needs of the department. Sick leave is not paid to employees, except in instances of work absences due to illness or injury of themselves or an immediate family member. Employees may also request sick leave of up to three (3) days for the birth or adoption of a grandchild. Possible exceptions to this sick leave policy exist for employees hired prior to March 1, 1993. Please contact the Human Resources office for any questions regarding sick leave rules if you were hired prior to March 1, 1993.

Any employee who is unable to report for work due to illness or injury shall report the reason for his/her absence to his/her supervisor or the person acting for the employee's supervisor within one (1) hour from the time the employee is expected to report for work.

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.

## **5.5 BEREAVEMENT LEAVE**

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only as defined in Chapter 1, Section 1.3 of this handbook. Any leave requested more than three (3) calendar days must be charged to accrued vacation or compensatory leave.

## **5.6 MATERNITY LEAVE**

Employees affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy-related health impairments, illnesses or injuries. An employee's accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the City of Sherwood Family Medical Leave Policy.

In the event, the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and exhaust all other accrued leave as required.

## **5.7 NURSING MOTHERS**

Nursing mothers will be allowed reasonable unpaid break time to express breast milk. This may run concurrently with other paid or unpaid breaks already provided. If the employee's work space is not private and secure, we will make a reasonable effort to provide a location where the mother may express. Employees shall make reasonable efforts to minimize disruption of the employer's operations.

## **5.8 MILITARY LEAVE**

Employees who are members of the National Guard or any of the reserve branches of the armed forces shall be granted military 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. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding year until it totals fifteen (15) days at the beginning of a calendar year for a maximum of thirty (30) days available in any one (1) calendar year.

An employee who is called to active status duty as a member of the armed forces of Arkansas or any other state, including without limitation the National Guard, a reserve component of the armed forces, or the militia, is entitled to all of the protections under USERRA as described in this handbook.

Upon emergency activation to military service by the Governor or President of the United States, the City of Sherwood will pay the employee a lump sum amount equivalent to 240 hours of salary or wages at their normal hourly rate at the time of activation.

### **5.8.1 USERRA (UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT)**

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed

Services Employment and Reemployment Rights Act of 1994, 38 USC 4301 et seq., and Arkansas code Ann. 21-4-102. It is the City of Sherwood's policy to honor and comply with the provisions of those statutes.

The Uniformed Service Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act is contained in a poster developed by the U. S. Department of Labor and re-printed in the Appendix of this handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits and obligations of such persons and such employers under USERRA.

In addition, under Arkansas Code Ann. 21-4-102, employees who are members of a military organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FMLA provides further rights to family members of military personnel.

## **5.9 FAMILY MEDICAL LEAVE**

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the spouse, son, daughter, or parent, or nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee's child,
- The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child,
- For spouse, son, daughter, or next of kin of an eligible service member to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks during a "single 12-month period",
- The care of an immediate family member (spouse, child, or parent, but not a parent "in law") who has a serious health condition,
- The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job, and
- For any qualifying exigency when the employee's spouse, son, daughter, or parent is a covered military member (on active duty or is notified of an impending call to active duty) in support of a contingency operation.

You must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member as defined in this section. A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days, and for prenatal care.

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three (3) calendar days.

The Family Medical Leave Act (FMLA) requires that the City of Sherwood maintain the health coverage of an employee eligible for FMLA under any group plan during the time the employee is on FMLA leave.

### **5.9.1 FMLA ELIGIBILITY**

To be eligible for the FMLA benefits employees must: 1) be employed by the City for at least 12 months; and 2) have worked 1,250 hours over the previous twelve (12) months preceding the date the leave is requested to begin. An employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service.

Employees are required to use all sick leave, vacation leave, comp time leave and personal leave prior to going on leave without pay. Such paid leave status shall be included in the total of the 12 work weeks.

### **5.9.2 CALCULATION OF LEAVE**

Employees eligible for FMLA may use up to 12 weeks of leave during a 12 month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12 month period will begin on the first date FMLA leave is taken. The next 12 month period will begin on the first day FMLA leave is taken after completion of any previous 12 month period.

### **5.9.3 USE OF PAID TIME OFF BENEFITS**

When leave is taken under the Family Medical Leave Act, you will be required to first use your available sick and vacation leave during the twelve (12) week family leave before becoming eligible for unpaid leave. That portion of family leave of absence which is

taken using sick, vacation, personal and comp time accrued leave days will be with pay, according to the City's leave policies. Using paid time off benefits does not add to the total length of the maximum 12 week leave permitted.

For example, Employee A has two (2) weeks of accrued vacation leave and two (2) weeks of accrued sick leave. Employee A requests and is granted 4 weeks of FMLA leave. This leaves Employee A with eight (8) remaining weeks of available FMLA leave.

#### **5.9.4 INTERMITTENT OR REDUCED LEAVE**

In circumstances where FMLA leave is sought for your own serious health condition or that of a family member, you may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when you choose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or be placed on a reduced work schedule. However, this may only be done with prior permission and approval of the department director. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay and benefits, if another position would better accommodate that intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operations.

#### **5.9.5 NOTIFICATION**

You must provide your department director with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify your department director as soon as possible.

#### **5.9.6 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY**

In the event of a husband and wife both working for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent.

If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

#### **5.9.7 JOB RESTORATION**

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. However, certain highly-compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their position if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on

FMLA leave, the City of Sherwood will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

### **5.9.8 EMPLOYEE BENEFITS**

During an employee's FMLA leave of absence, his/her health care benefits will continue. Both the City and the employee will be required to pay the customary portions of the monthly health premium. The employee's failure to pay his or her share of the premium may result in loss of coverage. The Human Resources Director will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the City. Prior to dropping an employee from coverage for non-payment, the Human Resources Director will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee unequivocally informs the City that he/she does not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work, from FMLA leave, for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have returned to work.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation leave, sick leave, pension, etc., unless the employee is in a paid status while on leave. However, employment benefits which accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies his/her department director prior to the end of the FMLA leave. The only exception to this provision will be any rights available under applicable federal regulations.

### **5.9.9 CERTIFICATION**

Medical certification, by a qualified health care provider, of the need for FMLA leave for medical reasons is required. A certification form may be obtained from the Human Resources office. This form should be filled out and returned to the Human Resources office. When the leave is foreseeable and at least 30 days' notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the required certification within 15

calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers and physician assistants authorized to practice under State law and performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

#### **5.9.10 RELEASE TO RETURN TO WORK**

A medical doctor's release is required for all city employees who return to work from a medical leave of three (3) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided to the employee's department director prior to returning to work.

#### **5.9.11 DISPUTE RESOLUTION**

If a disagreement occurs over the medical opinion provided by your physician, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second, or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

#### **5.10 LEAVE FOR WITNESS OR JURY DUTY**

Employees will be granted paid leave for witness or jury duty provided the employee is not a party to the case. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to their department director a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

#### **5.11 ORGAN AND BONE MARROW DONOR LEAVE**

In addition to any medical, personal or other paid leave, the City of Sherwood will grant an employee an unpaid leave of absence to allow the employee to serve as an organ donor or a bone marrow donor. The employee must request this leave of absence in writing. The leave will be equal to the time requested by the employee or ninety (90) days, whichever is less. This leave shall not apply if the employee is eligible for leave under the Family Medical Leave Act of 1993.

#### **5.12 CRIME VICTIM LEAVE**

In addition to jury leave, an employee will be allowed time off to participate at the prosecuting attorney's request in preparation for a criminal justice proceeding or to attend a criminal justice proceeding if the attendance is reasonable necessary to protect the interest of the crime victim.

### **5.13 MISCELLANEOUS LEAVE**

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be pre-approved by his/her department director. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will be paid to all non-exempt employees.

The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses.

The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action up to and including termination.

### **5.14 EMPLOYEE HEALTH BENEFITS**

The City of Sherwood provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from the Human Resources office.

#### **5.14.1 SUPPLEMENTAL BENEFITS**

The City of Sherwood offers its employees several supplemental health and wellness programs that are solely the financial responsibility of the employee. An employee has plans ranging from additional life insurance coverage to accidental insurance. Please request information on these plans from the Human Resources department.

### **5.15 OCCUPATIONAL INJURIES**

All City of Sherwood employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' compensation have been posted on bulletin boards located in each department and are placed in Appendix A in this handbook.

### **5.16 RETIREMENT PLANS**

The City of Sherwood has five separate retirement plans: The Municipal Employees Retirement Plan (MERP), the City of Sherwood 457(b) Retirement Plan, the Local Police and Fire Retirement Plan (LOPFI), Arkansas District Judges Retirement System (ADJRS), and the Arkansas Public Employees Retirement system (APERS).

For details on the retirement plan you are eligible for and the provisions of that plan, please contact the Human Resources office.

## **5.17 EDUCATIONAL ASSISTANCE**

All eligible, regular full time employees are encouraged to continue their education through the City's educational assistance program. Regular full time employees who have completed one (1) year of service are eligible to request financial assistance for courses and fees for classes taken at any nationally accredited, Arkansas base college, university or technical school. The City will provide tuition assistance up to a maximum of \$2,500 per calendar year per eligible employee for either undergraduate or graduate level coursework, excluding courses required for completion of a doctoral degree. For plan details, grade requirements and service requirements please contact the Human Resources office for additional information.

## **CHAPTER 6**

### **STANDARDS OF CONDUCT**

#### **6.1 COMMUNICATING WITH THE PUBLIC**

Employees of the City of Sherwood shall at all times be civil, orderly and courteous in their conduct and demeanor towards the public. Each employee should treat members of the public with respect and efficiently provide responses to their inquiries or requests.

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

#### **6.2 UNIFORMS AND PERSONAL APPEARANCE**

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the department director. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees must not wear uniforms while off duty except to and from your scheduled shift or work assignment. It is essential that an employee not be viewed by the public as a representative of the City of Sherwood in any official capacity unless authorized to do so.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor or department director.

#### **6.3 GUIDELINES FOR APPROPRIATE CONDUCT**

The City of Sherwood expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

Whether an employee is on-duty or off-duty, his/her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

Types of behavior and conduct that the City considers inappropriate include, but are not limited to the following:

- Falsifying employment or other city records;
- Violating any city non-discrimination and/or harassment policy;
- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;

- Excessive, unnecessary or unauthorized use of City property;
- Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- Carrying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of property from co-workers, citizens or the city;
- Unauthorized possession of firearms on city premises or while on city business;
- Disregarding safety or security regulations;
- Insubordination;
- Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including termination. However, nothing herein shall waive the at-will status of the City and the City may terminate an employee's employment at-will and without a reason.

#### **6.4 ABSENTEEISM AND TARDINESS**

Regular and punctual attendance is essential to the effective business operations and the City of Sherwood expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time because of illness or personal emergency, he/she should give proper notice to his or her supervisor.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns (i.e. regularly reporting late on Monday mornings or calling in absent on Friday(s), or failing to provide proper medical documentation to support absences/tardies may result in disciplinary action up to and including termination.

Proper notice is defined by the City of Sherwood as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof, other than an absence authorized by the personnel handbook or by law that is not authorized in advance by the department director or the employee's supervisor will be deemed absence without leave. Such absence shall be without pay.

#### **6.5 OUTSIDE EMPLOYMENT OR MOONLIGHTING**

If an employee is considering additional employment, he or she should discuss the additional employment with his/her department director and/or supervisor for approval.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment.

## **6.6 VOTING**

City employees are encouraged to exercise their legal right to vote and, if necessary and requested in advance, reasonable time will be granted for the purpose.

## **6.7 OUTSIDE COMPENSATION**

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city.

## **6.8 USE OF NARCOTICS, ALCOHOL AND TOBACCO**

Employees of the City of Sherwood shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

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 their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action up to and including termination.

Smoking, or the use of any tobacco product, is not allowed inside any City owned facility or vehicle. The City of Sherwood complies with all aspects of the Arkansas Clean Indoor Act of 2006. Any employee violating this policy is subject to disciplinary action up to and including termination and may be required to pay a fine if levied by the Arkansas Department of Health.

## **6.9 DRUG-FREE WORKPLACE**

It is the policy of the City of Sherwood to create and maintain a drug free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the City of Sherwood or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

Employees convicted of controlled substance related violations in the workplace must inform the city immediately. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination.

The City of Sherwood requires any employee who is required to obtain and maintain a valid Arkansas state driver's license as outlined on their job description to notify their supervisor immediately upon expiration, suspension, revocation or forfeiture of that license.

In addition, any employee assigned job duties which require the operation of any city vehicle or city equipment must notify their supervisor immediately if they are taking medications that may impair their ability to safely operate that equipment. Any employee that reports the use of these types of medications has a right to privacy and all information revealed to their supervisor under this policy will remain confidential.

Refer to full text of Drug Free Workplace Policy as adopted by the City of Sherwood City Council on February 23, 2015 in the Appendix of this handbook.

## **6.10 USE OF CITY ASSETS AND RESOURCES**

### **6.10.1 TELEPHONES**

Telephones are to be used to conduct City business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from your department director. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.

Cellular telephone calls can be more expensive than those using land-line telephone service. These higher costs shall be weighed against the level of employee need and expected usage. Cellular phones should be used only when a lower cost alternative is inconvenient or not readily available. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

City-issued cellular or mobile telephones should be used for City business-related purposes. Personal calls are to be minimized. The City reserves the right to monitor the billing and use of all City-issued cellular/mobile telephones and has the authority to withhold any unauthorized amounts from the employee's wages.

By accepting the use of City-issued cellular telephones, employees agree to promptly reimburse the City for all personal calls made which are deemed by the City to be excessive in frequency or duration.

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of his/her City-issued cellular/mobile phone terminated and may subject themselves to formal disciplinary action.

## **6.10.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES**

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Sherwood provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, facsimile machines, cell phones, pagers and other wireless communication devices. Please remember that these tools are City property and must be used in a manner that reflects positively on the City and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the city. Reading another employee's files is prohibited unless authorized by the department director. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department director responsible for the data.

The City will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

- Hacking;
- Pirating software or audio/video files;
- Soliciting;
- Distributing literature for outside entities;
- Sending inappropriate e-mails;
- Accessing, viewing or downloading inappropriate websites, i.e. sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
- Distributing confidential information to persons/entities who are not entitled to such information;
- Storing or placing unlawful information on a computer or the network;
- Copying system files without proper authorization;
- Copying copyrighted materials without proper authorization;
- Use of abusive or otherwise objectionable language in either public or private messages;
- Sending messages that are likely to result in the loss of the recipient's work or systems use;
- Sending "chain-letters", jokes or lists or any other type of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
- Decryption of system or user passwords.

Only software which has been purchased or approved by the City of Sherwood may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with City computers, networks, or

storage media are property of the City and shall not be removed from the workplace without proper authorization. The City's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software.

Computer equipment, including software, should not be removed from City premises without prior written approval from the Mayor.

The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

### **6.10.3 INTERNET ACCESS**

Internet access is provided to employees to conduct city business. Employees accessing the internet are to do so for business-related purposes only. The City reserves the right to monitor internet use to assure that internet use is for legitimate business purposes and that access to the internet is not abused by any one employee.

### **6.10.4 ELECTRONIC MAIL AND CONFIDENTIALITY**

The City of Sherwood provides electronic mail for business purposes. The City maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or that access by the City or its designated representative will not occur. Therefore, any personal use of the City's electronic mail system shall be kept to a minimum.

The electronic mail system shall not be used to solicit or further any commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation; to create any unwelcome, offensive, or otherwise disruptive messages including sexual innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability; or to send or receive copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

Employees are not authorized to retrieve or read e-mail messages that are not sent to them.

### **6.10.5 REMOVAL OF CITY PROPERTY**

No city owned, leased or licensed equipment or documents may be removed from City premises without prior written approval from an employee's department director.

## **6.11 CITY VEHICLES**

The City may permit certain employees to use its vehicles to conduct City business. A valid and current driver's license must be in possession of the operator and maintained at all times. Employees operating city vehicles shall exhibit due care at all times and shall comply with all federal, state and local laws pertaining to operation of the vehicle. Employees using City vehicles

shall not pick up or transport any private parties not directly involved with the work of the City of Sherwood. Employees will be allowed to take home a City vehicle for "on-call" purposes only as designated by his or her department director. Employees using City of Sherwood vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle. The improper, careless, negligent, destructive, reckless, unsafe or misuse of City vehicles may result in disciplinary action up to and including termination. Any use of a City vehicle for other than official City business is prohibited.

## **6.12. POLITICAL CAMPAIGNS**

No city employee shall campaign on city time for any candidate at a federal, state, county or local level. After working hours, employees are free to campaign and support candidates in federal, state, county and local campaigns. Employees are discouraged from wearing campaign buttons for candidates for federal, state, county or local office during city hours but are not prohibited from doing so. Employees shall be prohibited from wearing or displaying any City of Sherwood elected officials' logo or button during office hours.

## **6.13 SOLICITATION**

Solicitation for sale or donation by employees in city-owned facilities during normal work hours is expressly prohibited without prior written authorization by the Mayor.

## **6.14 DISCIPLINARY ACTION**

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in this handbook, or any other City policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including termination. Nothing herein shall waive the City's at-will status.

Disciplinary action may include, but is not limited to:

**WARNING OR REPRIMAND.** A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

**SUSPENSION.** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.

**DEMOTION.** A demotion is an action that places the employee in a position of less responsibility and less pay.

**TERMINATION.** This type of disciplinary action is a removal of an employee from city employment.

## **CHAPTER 7**

### **MISCELLANEOUS INFORMATION**

#### **7.1 POLICY STATEMENT**

The City of Sherwood possesses the sole right to operate and manage the affairs of the city.

#### **7.2 CONFLICTS**

The policies in this handbook will be followed unless they are found to conflict with federal, state or local laws, which shall take precedence.

#### **7.3 SEVERABILITY**

Should any of the provisions contained in this handbook be found contrary to federal, state, or local law, the remaining provisions of this handbook 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 this handbook shall be deemed to include those statements of law.

#### **7.4 POLICY CHANGES**

The City of Sherwood reserves the right to suspend, revoke, or revise any of the policies contained in this handbook at any time.

#### **7.5 CHANGE OF ADDRESS**

Employees changing their home address or telephone number must notify his or her department director of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her department director.

**RECEIPT OF CITY OF SHERWOOD EMPLOYEE HANDBOOK**

*(This document is to be placed in employee's personnel file)*

I, \_\_\_\_\_, acknowledge receipt of  
(PRINT NAME)

the City of Sherwood Employee Handbook.

I understand that this handbook is not a contract. The City of Sherwood is an at-will employer.

I understand that reading this handbook constitutes one of my job duties and that I am required to perform my job duties in accordance with the policies contained in this handbook any additional rules, regulations, policies or procedures which may be imposed by the City of the department in which I work whether or not I read this handbook. I understand that my failure to read this handbook, as required, does not excuse me from being covered by or complying with its provisions.

I further acknowledge that I have received and it is my responsibility to read the Drug Free Workplace Policy contained in this handbook as part of the Appendix.

I understand that if I have any questions about the provisions contained in this handbook, I should direct them to my department director for clarification.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**ACKNOWLEDGEMENT OF COMPENSATORY TIME POLICY**

*(This document is to be placed in employee's personnel file)*

I, \_\_\_\_\_, acknowledge that I am  
(PRINT NAME)

responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the City of Sherwood Payroll Coordinator shall be final with respect to the number of compensatory leave days earned of an employee.

I further understand and acknowledge that all overtime and/or compensatory time hours worked must be approved in advance by my department director.

Compensatory leave must be taken during the calendar year earned and should be scheduled before the use of an employee's vacation leave.

By signing this acknowledgement I, as an employee of the City of Sherwood, and the City agree that compensatory time may be given in lieu of overtime.

I understand that if I have any questions about this policy, I should direct them to my department director for clarification.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## **APPENDIX**

**CONTACT THE HUMAN RESOURCES OFFICE FOR ORIGINALS OF THESE DOCUMENTS. THE FORMS IN THIS HANDBOOK ARE FOR REFERENCE PURPOSES ONLY.**

### **Workers' Compensation Forms**

**Form N**

**Supplement to Employer First Report of Injury**

**First Report of Injury or Illness**

### **Employment Law Posters**

**Arkansas Clean Indoor Air Act**

**Arkansas Minimum Wage**

**Department of Workforce Services Unemployment Insurance**

**Equal Employment Opportunity Federal Regulation**

**Employee Polygraph Protection Act**

**Employee Right to Know**

**Federal Minimum Wage**

**FMLA (Family Medical Leave Act)**

**USERRA (Uniformed Services Employment and Reemployment Rights Act)**

### **Policies**

**Drug Free Workplace Policy (amended and adopted February, 2015)**

**Rules and Regulations concerning leave accruals while on Workers' Compensation  
time loss injury**



<b>Form AR-N</b>	<b>ARKANSAS WORKERS' COMPENSATION COMMISSION</b> 124 Spring Street, Little Rock, AR 72204 Mail: P. O. Box 938, Little Rock, AR 72203-0938 501-482-3800 / 1-800-622-4472	<b>N</b>
<small>           ARK. CODE ANN.            § 11-9-201, 202, 203            ARK. REG. CODE            008.01-1-1-1004            008.01-1-1-1005         </small>		

**EMPLOYER'S NOTICE TO EMPLOYEE**

**NOTICE TO EMPLOYEE - Fill out this form to give to your employer immediately. Employer: Be sure the employer receives a copy of this form [Ark. Code Ann. § 11-9-514 (c)]**

**Ark. Code Ann. § 11-9-201, Notice of injury or death.**

(a)(1) Unless contrary information the employer provides or another medical professional or its made known to the employer immediately after the injury, the employer shall report the injury to the Commission on a form prescribed or approved by the Workers' Compensation Commission and to a physician of choice upon first by the employer, and the employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employer's report of injury.

(2) All reporting procedures specified by the employer must be reasonable and shall afford each employee reasonable notice of the reporting requirements.

(3) The foregoing shall not apply when an employer's own emergency medical services remain the employer's normal business hours, however, in that event, the employer shall advise a report of the injury to be made to the Commission on the employer's next regular business day.

(b)(1) Failure to give the notice shall not bar any claim.

(A) If the employer had knowledge of the injury or death.

(B) If the employer had no knowledge that the condition or disease arose out of and in the course of the employment, or

(C) If the Commission on an issue the failure on the grounds that the most satisfactory remedy otherwise could not be given.

(2) Objection to failure to give notice must be made at or before the first hearing on the claim.

**CHOICE/CHANGE OF PHYSICIAN**

**Rights and responsibilities. Treatment or services furnished or prescribed by any physician other than the ones selected according to the provisions below, except emergency treatment, shall be at the claimant's/employee's expense.**

**Ark. Code Ann. § 11-9-508. Medical services and supplies.**

(c) (1) The injured employee shall have direct access to any appropriate or appropriate medical services provided with a goal to provide services under the rules, terms, and conditions stipulations contemplated by the managed care entity initially chosen by the employer for the treatment and management of any injuries or conditions.

1. Your employer shall be in the right to select the initial primary care physician from among those associated with a certified MCO.
2. You may request a change of physician. You should submit the request a change from the treatment services employer. Within 30 business days of your initial request for a change of physician, the managed care or employer should notify you of its decision to grant or deny the change of physician.
3. If you request for change of physician is denied you may send a petition to the Clerk of the Arkansas Workers' Compensation Commission for some (1) case only change of physician.
4. If your employer has associated with a certified MCO, you shall be allowed to change physician by petitioning the commission and (1) case only for a change of physician to a physician who must also either be associated with the certified MCO chosen by your employer or who is your regular treating physician (Your "regular treating physician" is one who maintains your medical records and with whom you have continuity of regular care based before the onset of your work-related injury.) The health care provider to whom you change must agree to refer you to the certified MCO chosen by your employer for any subsequent treatment, including physical therapy, and must agree to comply with all the rules, terms, and conditions stipulations you consent by the MCO initially chosen by your employer.
5. If your employer or does not have a contract with a certified MCO, you shall be allowed to change physician by petitioning the commission and (1) case only for a change of physician to a physician who must either be associated with any certified MCO or who is your regular treating physician. (See definition above.) The health care provider to whom you change must agree to refer you to a physician associated with any certified MCO for any subsequent treatment, including physical therapy, and must agree to comply with all the rules, terms, and conditions stipulations contemplated by any certified MCO.

**Back side / Two-sided form**

**N**



**AWCC Form 1**  
**(Employer's First Report of Injury or Illness)**

Ark. Code Ann. § 11-9-519 allows employers 10 days to report injuries. Those involving either more than 7 days of lost time or indemnity payments require Form 1. Also, a Form 1 is required for all controversies including a medical-only case. Self-insured employers file Form 1 with the AWCC; other employers send it to their insurance representatives.

Employers do **NOT** fill in the shaded areas.

On Form 1, employers/carriers must:

1. In the Occurrence Section list the date the employer first knew of the injury. The 10 days to report begin either on the date of disability or the date the employer was notified, whichever date is later.
2. Give the name of the carrier. An insurance agency or third party administrator should be listed in the Proposer's Section. A carrier can pre-print its name and address in the Carrier Section to help clients properly report.
3. Specify the carrier Federal Employer Identification Number (FEIN) in the Carrier Section.
4. Type or print in ink. An illegible, incomplete Form 1 will be returned.

Neglect of Form 1: Late employee benefits, exposing employers to fines.

Lack of Form 1: Delays in insurance investigation.

**General inquiries on Form 1 can be answered by the AWCC Support Services Division. Questions on a specific Form 1 may be directed to the Research and Practice Section, which prepares the monthly reports. @-686-613-4572 or 800-682-9934.**

Ark. Code Ann. §11-9-506(e) "Any person or entity who willfully and knowingly makes any material false statement or representation, who willfully and knowingly omits or conceals any material information, or who willfully and knowingly employs any device, scheme, or artifice for the purpose of obtaining any benefit or payment, deferring or unreasonably increasing or wrongfully determining any claim for benefit payment, or obtaining or a voiding or without a suspension coverage or avoiding payment of the proper insurance premium, or who acts and abets for any of said purposes, under this chapter shall be guilty of a Class D felony. Fifty percent (50%) of any criminal fine imposed, and included under ... this article shall be paid and allocated in accordance with applicable law to the Death and Permanent Total Disability Trust Fund administered by the Workers' Compensation Commission."

(Revised 1-1-2001)

**MUNICIPAL LEAGUE  
WORKERS' COMPENSATION TRUST**

P.O. BOX 37  
NORTH LITTLE ROCK, ARKANSAS 72115  
PHONE (501) 374-3484



**SUPPLEMENT TO THE EMPLOYER'S REPORT OF INJURY**

NAME OF EMPLOYER \_\_\_\_\_

NAME OF EMPLOYEE \_\_\_\_\_

DATE OF INJURY \_\_\_\_\_ DATE OF REPORT \_\_\_\_\_

To help identify the causes of employee injury, please select the one answer in each of the following six (6) sections that best describes the events at the time of the accident.

TASKS BEING PERFORMED AT TIME OF ACCIDENT (CHECK ONLY ONE)	
<input type="checkbox"/> 101 Housekeeping	<input type="checkbox"/> 107 Office Tasks
<input type="checkbox"/> 102 Maintenance/Repair Of Vehicle	<input type="checkbox"/> 108 Operating/Driving In/On Motor Vehicle
<input type="checkbox"/> Maintenance/Repair Of Roadway	<input type="checkbox"/> 109 Operating/Using Hand/Power Tools
<input type="checkbox"/> 103 Maintenance/Repair, Other	<input type="checkbox"/> 110 Unattended Task
<input type="checkbox"/> 104 Moving to/from Location on Foot	<input type="checkbox"/> 111 Multiple Task or Unknown
<input type="checkbox"/> 105 Operating Machinery	<input type="checkbox"/> 112 Other
<input type="checkbox"/> 106 Materials Handling Operations	
(FOLLOWING ARE FOR PUBLIC SAFETY ONLY)	
<input type="checkbox"/> 113 Confining Suspect/Prisoner/Patient	<input type="checkbox"/> 117 Non-Emergency Operations at an Incident
<input type="checkbox"/> 114 Confining/Capturing an Animal	<input type="checkbox"/> 118 Performing a Search
<input type="checkbox"/> 115 Fighting a Fire	<input type="checkbox"/> 119 Responding to an Emergency (In Vehicle)
<input type="checkbox"/> 116 Haz-Mat Incident	<input type="checkbox"/> 120 Returning from an Emergency (In Vehicle)

INCIDENT CLASSIFICATION (CHECK ONLY ONE)	
<input type="checkbox"/> 201 Assault	<input type="checkbox"/> 212 Fall on Same Level
<input type="checkbox"/> 202 Bite Animal, Human, Insect	<input type="checkbox"/> 213 Fall to Different Level
<input type="checkbox"/> 203 Caught In, Under or Between	<input type="checkbox"/> 214 Snatched
<input type="checkbox"/> 204 Contact with Electric Current	<input type="checkbox"/> 215 Physical Overexertion/Overextension
<input type="checkbox"/> 205 Contact with Foreign Matter (Dirt in Eye, etc.)	<input type="checkbox"/> 216 Psychological Trauma
<input type="checkbox"/> 206 Contact with Sharp Object	<input type="checkbox"/> 217 Exposition of Pressure/Motion (Noise, CTS)
<input type="checkbox"/> 207 Contact with Temperature Extremes (Burns, etc.)	<input type="checkbox"/> 218 Slip/Trip without Fall
<input type="checkbox"/> 208 Exposure to Environmental Cold/Heat	<input type="checkbox"/> 219 Struck Against
<input type="checkbox"/> 209 Exposure to Fire Products	<input type="checkbox"/> 220 Struck By
<input type="checkbox"/> 210 Exposure to Hazardous Substances/Chemicals	<input type="checkbox"/> 221 Vehicle Accident
<input type="checkbox"/> 211 Exposure to Infectious Substances	<input type="checkbox"/> 222 Other

BODILY ACTIVITY AT TIME OF INCIDENT (CHECK ONE)	
<input type="checkbox"/> 301 Bending	<input type="checkbox"/> 312 Reaching/Stretching
<input type="checkbox"/> 302 Climbing	<input type="checkbox"/> 313 Rolling
<input type="checkbox"/> 303 Crawling	<input type="checkbox"/> 314 Running
<input type="checkbox"/> 304 Driving	<input type="checkbox"/> 315 Sitting
<input type="checkbox"/> 305 Jumping/Landing	<input type="checkbox"/> 316 Standing
<input type="checkbox"/> 306 Kneeling	<input type="checkbox"/> 317 Twisting
<input type="checkbox"/> 307 Lifting	<input type="checkbox"/> 318 Walking
<input type="checkbox"/> 308 Lying Down	<input type="checkbox"/> 319 Multiple Actions
<input type="checkbox"/> 309 Mounting/Dismounting Vehicle or Equipment	<input type="checkbox"/> 320 Unknown
<input type="checkbox"/> 310 Pulling	
<input type="checkbox"/> 311 Pushing	

**NATURE OF INJURY/ILLNESS (CHECK ONLY)**

<input type="checkbox"/> 401 Abrasion	<input type="checkbox"/> 419 Foreign Substance (Eye)
<input type="checkbox"/> 402 Amputation	<input type="checkbox"/> 420 Fracture
<input type="checkbox"/> 403 Blind/Penetrating Trauma	<input type="checkbox"/> 421 Heat Stroke/Stress
<input type="checkbox"/> 404 Bruise/Contusion	<input type="checkbox"/> 422 Heat Attack
<input type="checkbox"/> 405 Burn (Chemical)	<input type="checkbox"/> 423 Hemia/Rupture
<input type="checkbox"/> 406 Burn (Electrical)	<input type="checkbox"/> 424 Hypoxemia
<input type="checkbox"/> 407 Burn (Heat)	<input type="checkbox"/> 425 Impaired Sensory Perception
<input type="checkbox"/> 408 Cuts	<input type="checkbox"/> 426 Inflammation
<input type="checkbox"/> 409 Concussion/Concussions	<input type="checkbox"/> 427 Lung Disease
<input type="checkbox"/> 410 Conjunctivitis	<input type="checkbox"/> 428 Muscle Spasm
<input type="checkbox"/> 411 Cuts/Apoves/Infectious Disease	<input type="checkbox"/> 429 Poisoning, Systemic
<input type="checkbox"/> 412 Coronary/Artery Condition	<input type="checkbox"/> 430 Psychological Disorder
<input type="checkbox"/> 413 Crush	<input type="checkbox"/> 431 Respiratory Issues
<input type="checkbox"/> 414 Cumulative Trauma Disorder	<input type="checkbox"/> 432 Separation/Avalanch
<input type="checkbox"/> 415 Cuts/Scratches/Puncture	<input type="checkbox"/> 433 Sprain/Strain
<input type="checkbox"/> 416 Dislocation	<input type="checkbox"/> 434 Suffocation/Asphyxiation
<input type="checkbox"/> 417 Electric Shock	<input type="checkbox"/> 435 Other
<input type="checkbox"/> 418 Fatality	

**BODY PART MOST AFFECTED**

<b>HEAD/NECK</b>	<b>TRUNK</b>	<b>BODY SYSTEMS</b>
<input type="checkbox"/> 501 Ear/Hearing	<input type="checkbox"/> 510 Abdomen	<input type="checkbox"/> 527 Cardiovascular System
<input type="checkbox"/> 502 Eye/Sight	<input type="checkbox"/> 511 Back	<input type="checkbox"/> 528 Digestive System
<input type="checkbox"/> 503 Face	<input type="checkbox"/> 512 Chest	<input type="checkbox"/> 529 Excretory System (Kidneys/Bladder/Intestines)
<input type="checkbox"/> 504 Jaw	<input type="checkbox"/> 513 Groin/Genitals	<input type="checkbox"/> 530 Musculoskeletal System (Bones/Joints/Tendons/Muscles)
<input type="checkbox"/> 505 Mouth/Teeth	<input type="checkbox"/> 514 Heart	<input type="checkbox"/> 531 Nervous System
<input type="checkbox"/> 506 Nose	<input type="checkbox"/> 515 Hip/Buttock	<input type="checkbox"/> 532 Respiratory System
<input type="checkbox"/> 507 Psychiatric	<input type="checkbox"/> 516 Shoulder	<input type="checkbox"/> 533 Skin
<input type="checkbox"/> 508 Scalp/Head		<input type="checkbox"/> 534 Entire Body (Some Illnesses/Exposures)
<input type="checkbox"/> 509 Neck/Throat		
<b>UPPER EXTREMITIES</b>	<b>LOWER EXTREMITIES</b>	
<input type="checkbox"/> 517 Arm (Upper or Lower)	<input type="checkbox"/> 522 Ankle	
<input type="checkbox"/> 518 Elbow	<input type="checkbox"/> 523 Foot	
<input type="checkbox"/> 519 Fingers/Thumb	<input type="checkbox"/> 524 Knee	
<input type="checkbox"/> 520 Hand	<input type="checkbox"/> 525 Leg	
<input type="checkbox"/> 521 Wrist	<input type="checkbox"/> 526 Toe	

**CONTRIBUTING CAUSES: HAZARDOUS CONDITIONS/VIOLATE ACTS (SELECT ONLY ONE)**

<input type="checkbox"/> 601 Actions of Others	<input type="checkbox"/> 618 Method or Procedure
<input type="checkbox"/> 602 Alterance of Safety Devices	<input type="checkbox"/> 619 Natural Environment/Weather
<input type="checkbox"/> 603 Assembly or Design Flaws	<input type="checkbox"/> 620 Noise
<input type="checkbox"/> 604 Attention to Footings/Surroundings	<input type="checkbox"/> 621 Related to the Use of Personal Protective Equipment
<input type="checkbox"/> 605 Atmosphere/Ventilation	<input type="checkbox"/> 622 Related to Proper Body Posturing
<input type="checkbox"/> 606 Congestion/Crowding	<input type="checkbox"/> 623 Sharp/Protruding (Not Intentionally Sharp Objects)
<input type="checkbox"/> 607 Dress/Apparel	<input type="checkbox"/> 624 Slippery (Not Walking/Working Surfaces)
<input type="checkbox"/> 608 Excavation/Trench	<input type="checkbox"/> 625 Speed of Operation
<input type="checkbox"/> 609 Fire Hazard	<input type="checkbox"/> 626 Storing/Stacking/Securing/Sharng
<input type="checkbox"/> 610 Guard/Safety Device	<input type="checkbox"/> 627 Stress
<input type="checkbox"/> 611 Horseplay	<input type="checkbox"/> 628 Tools (Hand/Non-Powered)
<input type="checkbox"/> 612 Illumination/Glare	<input type="checkbox"/> 629 Tools/Equipment (Powered)
<input type="checkbox"/> 613 Lack of Instruction/Warning	<input type="checkbox"/> 630 Training for Job/Task
<input type="checkbox"/> 614 Lack of Labeling/Warning	<input type="checkbox"/> 631 Walking/Working Surfaces
<input type="checkbox"/> 615 Ladders/Improper Use	<input type="checkbox"/> 632 Other Hazardous Conditions
<input type="checkbox"/> 616 Loading	<input type="checkbox"/> 633 Other Unsafe Act Not Listed
<input type="checkbox"/> 617 Maintenance	

**SUPERVISOR'S COMMENTS AND CORRECTIVE RECOMMENDATIONS:**

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## **Arkansas Clean Indoor Air Act of 2006**

**Smoking is prohibited in all public places  
and enclosed areas within places of employment.**

**For more information go to:**

**[www.arcleanair.com](http://www.arcleanair.com)**

**Or call**

**1-800-235-0002**

**It is unlawful for any employer to discriminate or  
retaliate in any manner against a person for  
making a complaint of a possible violation.**

**Arkansas State Board of Health**

ARKANSAS DEPARTMENT OF LABOR

NOTICE to employer & employee

MINIMUM WAGE

All employers covered by Arkansas Code 1-1-6-2022 in 1-1-22 shall pay a minimum wage of at least \$7.00 per hour effective January 1, 2024 with an adjustment for inflation and to amount \$8.00 per hour.

COVERAGE

The Arkansas Minimum Wage applies to an employer of five (5) or more persons. It applies to the wages employees are entitled to receive. Excludes, subsidiaries or joint venture companies. Excludes non-residential construction.

STUDENT RATE

Any student student attending any accredited institution of education within the State of Arkansas, and who is employed in work or manual labor is entitled to a reduced hourly (20) cents during weeks that attend in classes or study any term during weeks when the student is not in school. This rate shall be equal to not less than 75% of the minimum otherwise wage provided in the Arkansas Department of Labor. Student workers subject to the 50% provision of the applicable minimum wage rate and a jointly employed shall not be paid less than the base wage provided any other employee subject to a jointly employed.

UNEMPLOYED WORKERS

The Director has established guidelines for employers of their workers. For further information contact the Department of Labor.

STUDENT-LEARNERS

A "Student-Learner" is a person who is receiving regular instruction in an authorized school and who is employed on a part-time basis in a field that training program. For further information contact the Department of Labor.

OVERTIME PAY

Overtime compensation shall be paid to the rate of one and one-half times the regular hourly rate of pay for hours worked in excess of 40 hours in a week. This overtime provision shall not be applicable with respect to employees who are in a military, or agricultural occupation.

WORKHOURS

A workweek is a regular recurring period of 168 hours in the form of seven consecutive 24-hour periods.

ENFORCEMENT

Penalty of the Director of Labor. The Director or his representatives have the authority to: (a) After due notice any place of employment in the State in which health, safety, and records relating to the work subject are found. He may cause these records to be removed and may conduct any inspection in the field if the title is being alleged.

DEFLECTION FROM THE MINIMUM WAGE

No deduction from the applicable minimum wage may be made unless these methods or required by law.

or by agreement of the Director of Labor, however, deduction within the law otherwise prohibited and which are for the employee benefit may be made if authorized in writing by the employee.

KEEPING OF RECORDS

All employers subject to the Minimum Wage Law must keep accurate records for a period of three (3) years. These records shall include the date, address, occupation, rate of pay, hours worked and the amount and date of payment for all employees covered by the law. In addition, every employer who makes an admission for fire, health, lodging, accident or other losses or services in part of the applicable minimum wage law, must maintain daily records showing the date, address, the amount, amount of payments and exact amount amount which will substantiate the amount of the liability involved by the employer or the employer's representative in supplying data or services to the employee.

SEMIAL PAY ACT

No employer in the State of Arkansas shall discriminate in the payment of wages on between the male or male pay any female in the employ, salary or wage rate pay than the male pay in like occupation or comparable work. However, however, that relating to sex has shall provide a condition in which of pay based upon a difference in sex, marital, reproductive, height, weight, ability, or differences in skills and service performance of difference in the skill or level of the employee. It shall be unlawful to discriminate against difference in sex. Every employer shall keep and maintain records of the salaries and wage rates, job descriptions and other terms and conditions of employment of the workers employed by him and such records shall be preserved for a period of three (3) years.

PENALTIES

Any employer who violates Section or Section of the Arkansas Department of Labor in the enforcement of the duties in the administration of these chapters or otherwise willfully violates any provision of these chapters or of any regulation issued under it shall be deemed to be in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than the dollar 500.00 and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this subsection, each such violation shall constitute a separate offense. Any employer who willfully obstructs or in any other manner willfully disobeys or impedes any employee from such benefits may be liable to the employer, to the Director of Labor, or the Arkansas Department of Labor that he has not been paid minimum wages in compliance with the provisions of these chapters, or because such employee has refused to be included or is denied to be included any proceeding under or related to these chapters, or because such employee has refused or is denied to be included in any such proceeding shall be deemed to be in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day the employer's violation shall constitute a separate offense. In addition to the civil penalty, the Director of Labor is authorized to require any person, firm, corporation, partnership, or association who violates the provision of these chapters or any regulation.

EMPLOYEE REMEDY

The Director of Labor may order Arkansas minimum wage law by including legal action to recover any wages due. An employee may bring an action for equitable and monetary relief against an employer, including the State of Arkansas for a judicial declaration of the state, if the employer pays the employee less than the minimum wage, including overtime wages, to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before bringing an action. An employee may recover the full amount of wages due plus costs and a reasonable attorney's fee. The

employee may also be entitled to the additional amount up to the full greater than the amount of wages owed in the case, to be paid as liquidated damages.

CHILD LABOR

There are regulations for the employment of children under the age of 18 and, generally, employ children under the age of 16 in most employment conditions. Employment conditions for children ages 14 and 15 are also required for seasonal agricultural laborers, commercial drivers, or holders of professional licenses, or other activities.

Special provisions govern the employment of children in the entertainment industry, otherwise, children who are 16 years of age may be employed. There are 3 hours a day. There are 8 days a week. There are 40 hours a week. There are 1000 per hour after 11:00 p.m. except on nights preceding non-work days. Children under 14 may not be employed except in the entertainment industry, as newspaper carriers, but limited but only of professional limited skills, sports activities, to be employed in the same manner, or by their parents or guardians during school vacation. Children who are 16 and 17 years of age may not work. There are 10 consecutive hours in any one day. There are 10 hours in a 24-hour day. There are 5 days a week. There are 40 hours a week. There are 1000 per hour after 11:00 p.m. except that the maximum of 10 hours, 10:00 p.m. shall not apply to children 16 and 17 years of age employed on nights preceding non-work days in occupations authorized by law of the Arkansas Department of Labor in the entertainment field for their employment. However, however, that any one or all children the ages of 16 and 17 shall be subject to the provisions of this act.

(a) such boy or girl is a graduate of any high school, vocational school or business school. (b) such boy or girl is enrolled in a school. Any act of child labor for the employment of children in the entertainment industry provided the child is licensed or authorized work permit by the Director of Labor. Child labor statistics except in a child during periods of not less than 30 days and not more than 90 days for each violation.

IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, CONTACT 666-6666.

WAGE COLLECTION ACT

The Wage Collection Act provides assistance to any employee in the collection of wages due from the employer. Work performed shall include all or any work or service performed by any person employed for any period of time which the employer or contractor or subcontractor or contractor owes to the employee or contractor or subcontractor or contractor. The employee who seeks help in collecting wages due from should contact the Arkansas Labor Department. Telephone 666-6666.

THE POWER COMPLAINT ONLY A VIOLATION

Complaint of the complaint form and regulations are available from the Department of Labor.

ARKANSAS DEPARTMENT OF LABOR 1003 WEST BARRAGAN STREET LITTLE ROCK, ARKANSAS 72601 PHONE 666-6666 FAX 666-6666 TDD 666-6666

Employees of the City of Sherwood

are covered by the Department of Workforce Services Law.

The Law provides Unemployment Insurance Benefits for unemployed workers and under certain conditions, for those working only part time.

As a covered employee, your employer has contributed to or will reimburse the Arkansas Unemployment Trust Fund from which benefits are paid. **NO DEDUCTIONS CAN BE MADE FROM YOUR WAGES FOR THIS PURPOSE.** Be sure your employer has your correct Social Security Account Number.

- A. If and when you know you are going to be out of work for a calendar week or more, **YOU SHOULD PROMPTLY**

File a claim for benefits through the Department of Workforce Services office nearest you.

We will try to help locate work for you both before benefit payments start and while they are being paid.

- B. If you are attached to a regular employer, working less than full time due entirely to lack of work, you may be eligible for partial Unemployment Insurance Benefits.

In that case, claim partial benefits—promptly—by reporting the facts (status, wages, employer) to your Local Office. **Do not delay doing this.**

Our Local Office will answer questions and supply further information.

Full time Local Offices are situated in the following cities to provide services to Unemployment Insurance Claimants:

Arkadelphia	Helena	Newport
Batesville	Hope	Paragould
Benton	Hot Springs	Pine Bluff
Blytheville	Jacksonville	Rogers
Camden	Jonesboro	Russellville
Conway	Little Rock	Searcy
El Dorado	Madison	Texarkana
Fayetteville	Malvern	Walnut Ridge
Ferris City	Memphis	West Memphis
Fort Smith	Monticello	
Harrison	Mountain Home	

**CAUTION:** False statements to obtain benefits, concealment of material facts, or failure to report earnings for the purpose of obtaining or increasing Unemployment Insurance Payments, are violations of criminal laws and lead to prosecution.

# Equal Employment Opportunity is **THE LAW**

## **Federal Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**

*Applicants and employees of federal private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:*

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, prohibits employers and employment agencies from discrimination on the basis of race, color, religion, sex, fringe benefits, job training, advancement, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employer's religious practices unless the accommodation does not impose undue hardship.

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, advancement, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, having undue hardship.

### **AGE**

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, advancement, referral, and other aspects of employment.

### **SEX (PREGNANT)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

### **GENETICS**

Title 8 of the Genetic Information Nondiscrimination Act of 2008 prohibits employers and employment agencies from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, advancement, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **RETRIBUTION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected. The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-649-4060 (toll-free) or 1-800-877-8339 (toll-free TTY number for individuals with hearing impairment). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government edition. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

## **Employers Holding Federal Contracts or Subcontracts**

*Applicants to and employees of contractors with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:*

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, serves to establish standards for discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, advancement, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, having undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities in all levels of employment, including the executive level.

### **MINORITY BUSINESS ENTERPRISES, SMALL BUSINESS, AND VETERANS SERVICE ORGANIZATIONS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans, and

spouse of a disabled veteran (from Vietnam only), other protected veterans, and veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized, and Armed Forces service medal veterans (except war, which are veterans who participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETRIBUTION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authority above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, 1-800-541-8854 (toll-free) or (202) 696-2207 (TTY). OFCCP may also be contacted by e-mail at [OFCCP.Post@fdh.gov](mailto:OFCCP.Post@fdh.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

## **Programs or Activities Receiving Federal Financial Assistance**

### **RACE, COLOR, NATIONAL ORIGIN, SEX**

In addition to the provisions of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination occurs or may occur in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### **INDIVIDUALS WITH DISABILITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodations, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.**

### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

### EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

### ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



The poster features a large graphic of a telephone handset on the left. To its right, the text reads: "For more information call 1-866-4-USA DOL" in large, bold letters. Below this, in smaller text, are the phone numbers "11-866-827-6842" and "212-262-1600 (toll-free)". At the bottom of the graphic, the website "WWW.WAGEANDHOUR.DOL.GOV" is displayed in large, bold letters.

Always wear your seat belt to help prevent injuries in motor vehicle accidents. For more information, call 1-800-424-9393.

U.S. Department of Labor | Wage and Hour Division

WHD 1082  
FEB JUN 2012

ARKANSAS DEPARTMENT OF LABOR  
**NOTICE**  
TO EMPLOYER AND EMPLOYEE

Act 566 of 1991 entitled the  
**PUBLIC EMPLOYEES' CHEMICAL RIGHT TO KNOW ACT**

**PURPOSE**

The purpose of this law is to provide public employees access to training and information concerning hazardous chemicals in order to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

**PUBLIC EMPLOYERS' DUTIES**

Public employers are responsible for the following as set out by the law:

1. Post adequate notice to inform employees of their rights
2. Ensure proper chemical labeling
  - a. Existing labels on containers of hazardous chemicals are not to be removed
  - b. If a chemical is transferred to another container, it must also be labeled with the name and appropriate warnings, as provided in this law
  - c. A public employer is not required to label chemicals that have been transferred to a portable container by an employee when that employee is going to immediately use the chemical.
3. Maintain and make certain safety data sheets available
  - a. Chemical manufacturers and distributors must provide public employers with the appropriate MSDSs within the prescribed time
  - b. Public employers must maintain current copies of such MSDS and have these available to employees and their designated representatives upon request within the prescribed time
  - c. The employer must not require an employee to work with a chemical until a MSDS can be furnished except as indicated by this law
  - d. An employee who declines to work with a chemical may not be punished
  - e. Public employers shall provide a copy of MSDSs to the Director of Labor upon request
4. Compile and maintain a workplace chemical list for hazardous chemicals used, generated, or stored in amounts of 55 gallons or 500 pounds or more
  - a. The Workplace Chemical List must show the chemical or common name used on the MSDS and/or the container label, the Chemical Abstracts Service Number and the work area where it will normally be used, generated, or stored
  - b. Chemical lists shall be filed with the Director of Labor no later than October 14, 1991, updated when necessary, and refilled July 1 of each year
5. Provide employees with information and training
  - a. The Director of Labor is responsible for maintaining a general information and training assistance program to aid public employers
  - b. Additional training must be provided when a new hazard is introduced, when new information is received, or before non-employees are assigned to a job
  - c. Information and training programs must meet the requirements specified in the law and in the regulations of the Director of Labor.
  - d. Information and training programs must be developed by January 15, 1992, and initial information and training must be provided prior to July 15, 1992. Employers must keep a record of the dates of training sessions given to their employees.
  - e. The Director of Labor's rules and regulations concerning substance training and training exceptions must be followed

4. Handle toxic secret in accordance with provisions set out in the law

- a. The Director of Labor can request data substantiating a toxic secret claim when asked to by an employee, designated representative, or public employer
- b. All information will be kept confidential

**PUBLIC EMPLOYEES' RIGHTS**

Public employees who may be exposed to hazardous chemicals must be informed and shall have access to the Workplace Chemical List, MSDSs for the chemicals on the list, and information and training as provided in this act.

A public employee cannot be disciplined, discharged or discriminated against for requesting information, filing a complaint, acting as an inspector of the Department of Labor, causing any complaint or proceeding to be initiated, testifying in any proceeding, or exercising any right afforded by this law.

Any waiver of the benefits or requirements of this law are a violation and are therefore null and void.

**COMPLAINTS AND INVESTIGATIONS**

The Director of the Department of Labor will investigate written and oral complaints from public employees concerning violations of this law. The Director or his designated representative has the authority to enter the workplace and conduct a thorough investigation of the complaint as specified by this law.

**ENFORCEMENT**

If the Director of Labor finds a public employer in violation of this law, he shall issue an order to cease and desist the act or omission constituting the violation.

If the Director of Labor finds that a public employer has failed to provide the required information and training by the prescribed time, he may conduct the program and charge the employer for the costs incurred.

Violations of this act shall be cause for adverse personnel action against the responsible supervisor as set out in this act.

**CAUSE OF ACTION - ATTORNEY FEES**

Any citizen denied their rights under this law may commence civil action in circuit court and the court shall hear the petition within seven days.

The court shall have the jurisdiction to restrain violations of this act and to enter all appropriate relief. Those who refuse to comply with these orders will be in contempt of court.

Attorney fees and court costs will be assessed to the defendant and plaintiff as set out by the law.

**NO EFFECT ON OTHER LEGAL DUTIES**

The provision of information to a public employee does not affect the liability of the employer with regard to the health and safety of the employee, or the employer's responsibility to prevent the occurrence of occupational diseases.

The provision of information to an employee also does not affect any other duty or responsibility of a chemical manufacturer or distributor to warn users of a hazardous chemical.

ARKANSAS DEPARTMENT OF LABOR  
10421 WEST MARKHAM  
LITTLE ROCK, ARKANSAS 72206

# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## FEDERAL MINIMUM WAGE

# \$7.25

Effective July 24, 2009

- OVERTIME PAY** At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.
- CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.
- Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:
- No more than
  - 3 hours on a school day or 18 hours in a school week;
  - 8 hours on a non-school day or 40 hours in a non-school week.
- Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.
- TIP CREDIT** Employers of "tipped employees" must pay a cash wage of at least \$2.12 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.12 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.
- ENFORCEMENT** The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.
- Employers may be assessed civil money penalties of up to \$4,000 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$1,000 for each negligent violation of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to \$61,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$122,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.
- ADDITIONAL INFORMATION**
- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
  - Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
  - Some state laws provide greater employee protections; employees must comply with both.
  - The law requires employers to display this poster where employees can easily see it.
  - Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



For additional information:

**1-866-4-USWAGE**  
(1-888-487-0243) TTY: 1-877-880-6827



**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Wage and Hour Division

4912 (Rev. 10/08) (Printed July 2009)

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is an covered active duty or call to covered active duty status 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 reintegrative briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserve, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness\*.

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to air-line flight crew employees.**

## Definition of Serious Health Condition

A serious health condition is 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 than 3 consecutive calendar days (combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

An employer does not need to use the leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment or as an aid to family during the employer's operating hours. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances suggesting the need for military family leave. Employees also must inform the employer if the requested leave is for a status for which FMLA leave can potentially take as certified. Employees also may be required to provide a certification and provide notification supporting the need for leave.

## Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information requested as well as the employee's rights and responsibilities. If they are not eligible, the employer must provide a notice for the eligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave-credited against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA, and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.101(a) may require additional disclosures.



For additional information:  
1-866-4US-WAGE (1-866-487-4243) TTY: 1-877-889-3427  
[WWW.WAGEBOUR.DOL.GOV](http://WWW.WAGEBOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division



WHD 1000-00000-1000 - Revised February 2014



# 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 applying 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 services and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have less than five years 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.

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- are a past or present member of the uniformed services;
- have applied for membership in the uniformed services; or
- are obligated to serve in the uniformed services;

then an employer may not deny you:

- initial employment;
- reemployment;
- restoration in employment;
- promotion or
- any benefits of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

\*The USERRA logo may vary depending on the Office/Branch. The text of this notice was prepared by VETS, and may be viewed on the internet at <http://www.dhs.gov/vets/vets/employment/USERRA.html>. 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 place notices for employees.

## HEALTH BENEFIT 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 reinstated 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 1-888-488-4888 or visit the website at <http://www.dhs.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dhs.gov/vets/userradvice.html>.
- 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.



U.S. Department of Labor  
1-866-487-2265



U.S. Department of Justice



Office of Special Counsel



1-800-336-4500

Publication Date—October 2008

## **SICK/ VACATION Leave accumulation during periods of Workers Compensation**

**DATE: February 2, 2015**

After review of certain City policies regarding periods when a City employee is drawing Workers Compensation benefits the following changes shall become effective immediately. An employee may not accrue sick leave if they are not in active pay status

### **Uniform Employees:**

The City will supplement the Workers Compensation benefit for the employee for the first 7 days of a time loss injury but will not supplement past that time. The employee has the option to supplement the benefit with accumulated sick leave or vacation. The employee will continue to accrue sick leave and vacation pursuant to State law.

### **Non- Uniform Employees:**

The City will supplement the Workers Compensation benefit payment received by the employee for the first 7 days of a time loss injury but will not supplement past that time. The employee has the option to supplement the benefit with accumulated sick leave or vacation. The employee will continue accrue sick leave or vacation during the time the employee is receiving Workers Compensation benefits.

**NOTE:**

**THE DRUG FREE WORKPLACE ORDINANCE AND POLICY WILL BE PLACED IN THE HANDBOOK IN THE PLACE OF THIS PAGE WHEN APPROVED BY CITY COUNCIL ON FEBRUARY 23, 2015.**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING ORDINANCE NO. 919 AND AMENDING  
ORDINANCE NO. 1504 AMENDING THE POLICY FOR A DRUG-FREE  
WORKPLACE; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD,  
ARKANSAS, THAT;

**Section 1. Purpose of Policy**

The City of Sherwood has a vital interest in providing for the safety and well being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to the maintenance of a drug and alcohol free workplace.

The City and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the City has an interest in maintaining the efficiency, productivity and well being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

**Section 2. Policy Statement**

- a) All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.
- b) The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as

provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

- c) The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

### **Section 3. Safety and Security-Sensitive Positions Defined**

- a) A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
  - i) Law enforcement officers who carry firearms, and jailers.
  - ii) Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees and where the operation of a motor vehicle is not incidental to the employee's occupation. For the purposes of this section, a "motor vehicle" is defined as every vehicle which is self-propelled and every vehicle which is propelled by electric motor obtained from overhead trolley wires but not operated upon rails.
  - iii) Fire department employees who directly participate in fire-fighting activities.
  - iv) Medical personnel with direct patient care responsibilities, including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical nurses and assistants. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
  - v) Lifeguards, After School Program counselors and Summer Day Camp Counselors.
  - vi) Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League, and where the operation of a motor vehicle is not incidental to the employee's occupation.
- b) A security-sensitive position includes:
  - i) Any police officer, jailer, police dispatcher and police department employee, including clerical workers having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
  - ii) The City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be

unsympathetic to the enforcement of the law and subject to blackmail and bribery.

#### **Section 4. Drug-Free Awareness Program/Education and Training**

The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.

#### **Section 5. Prohibited Substances/Legal Drugs/Unauthorized Items**

- a) Prohibited Substances. Alcoholic beverages and drugs are considered to be prohibited in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. §812, and the regulations promulgated thereunder, as defined in the Uniform Controlled Substances Act, Ark. Code Ann. §5-64-201-216) or as defined by federal and state law, including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician.
- b) The abuse, overmedication, inappropriate consumption, or mistreatment of prescription drugs approved by the employee's physician is considered to be the abuse of "drugs" as stated in Section 5.(a) of this Ordinance.
- c) Legal Drugs. The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

- d) Unauthorized Items. Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

#### **Section 6. Use of Alcohol and Drugs/Prohibited Conduct**

All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- a) Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04% or greater.
- b) Employees shall not consume alcohol while on duty.
- c) Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- d) Employees shall submit to all authorized drug or alcohol tests.
- e) Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.
- f) Employees shall not abuse, knowingly overmedicate, inappropriately consume, or otherwise mistreat any prescription drugs approved by the employee's physician.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions.

#### **Section 7. When Drug and Alcohol Testing May Be Required of All Employees**

Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- a) When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, and speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.

- b) Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.
- c) As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- d) When the City management has reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol. It is preferable, but not required, that testing based upon reasonable suspicion be done only when verified by two persons trained in recognizing signs of substance abuse.
- e) When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- f) As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04% or greater) must have a verified negative drug test and/or an alcohol test indicating an alcohol concentration of less than 0.02%, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed 24 months from the date of the employee's return to duty, in accordance with an SAP's recommendations. The City also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02% or greater, but less than 0.04%, based on a SAP's recommendations.
- g) When any prohibited drug or alcoholic beverage, is found in an employee's possession.
- h) When the laboratory values in any authorized drug test indicate the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

**Section 8. When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security-Sensitive Positions**

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- a) When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- b) Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. §31306 and implementing regulations to the extent it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League.

### **Section 9. Disciplinary Action**

- a) Employees may be subject to disciplinary action, up to and including discharge for any of the following infractions:
  - i) Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
  - ii) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch.
  - iii) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks or at lunch.
  - iv) Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.
  - v) Refusal to cooperate in a search.
  - vi) Having an alcohol concentration of .04% or greater in any authorized alcohol test.
  - vii) Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

### **Section 10. Employment Status Pending Receipt of Test Results.**

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

**ADOPTED** on this \_\_\_ day of **February 2015**.

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

## **Human Resources Policy Drug-Free Workplace & Drug Testing**

**Area:** Safety

**Date:** April 5, 2005

**Revision:** January 3, 2007; July 1, 2008; December 1, 2008; February 23, 2015

**Purpose:**

The City of Sherwood is committed to maintaining a drug-free workplace in accordance with the Drug-Free Workplace Act, Sherwood City Ordinances #1256 and #1504, and the Department of Transportation's 1994 regulations, as amended, concerning drug testing of safety sensitive positions.

**Procedure:**

The City has established the following drug testing procedures to facilitate that goal. For purposes of this policy, there are three (3) categories of employees for which there are separate procedures; employees of the Police Department, employees whose job requires them to maintain a commercial driver's license (CDL), all other City employees. The abuse, overmedication, inappropriate consumption, or mistreatment of prescription drugs approved by the employee's physician is considered to be the abuse of "drugs" by any City employee.

**Police Department Employees**

1. All employees of the Sherwood Police Department are subject to a post-employment drug and alcohol test following a conditional offer of employment with the City of Sherwood. Employees must pass the drug test, or the City's offer of employment will be withdrawn.
2. All employees of the Sherwood Police Department are subject to random drug screening. Failure to submit to testing, or a reported positive test result, will be grounds for immediate termination.
3. City of Sherwood employees may be subject to for cause drug or alcohol testing if the immediate supervisor or Department Head has reasonable suspicion that the employee is under the influence, potentially affecting their job performance or the safety of other employees or the public.
4. A'Test Consultants sends a randomly selected list to the Chief of Police for quarterly drug testing. The Chief of Police provides the names of individuals to be tested to the Professional Standards Division, which notifies the employee's immediate supervisor the same day.
5. Employees will be notified verbally or in writing the day they are to be tested by their immediate supervisor.
6. Employees are required to report to A'Test Consultants, the City's drug testing organization.
7. A'Test Consultants will inform the Chief of Police and the Director of Human Resources of all employee drug test results.

**Employees who are required to maintain a Commercial Drivers License (CDL)**

1. Employees who are required by their job to maintain a valid commercial driver's license are subject to a post-employment drug and alcohol test following a conditional offer of employment with the City of Sherwood. Employees must pass the drug test, or the City's offer of employment will be withdrawn.
2. All CDL employees are subject to random drug and alcohol screening. Failure to submit to testing, or a reported positive test result, will be grounds for immediate termination.
3. City of Sherwood employees may be subject to for cause drug or alcohol testing if the immediate supervisor or Department Head has reasonable suspicion that the employee is under the influence, potentially affecting their job performance or the safety of other employees or the public.
4. A'Test Consultants sends a randomly selected list to the Director of Human Resources for quarterly drug testing. The Director of Human Resources will notify the employee's Department Head the day that the employee needs to report for their drug test.
5. Employees will be notified verbally or in writing the day they are to be tested by their immediate supervisor or Department Head.
6. Failure to submit to testing, or a reported positive test result, will be grounds for immediate termination.

7. Employees are required to report to A'Test Consultants, the City's drug testing organization.
8. A'Test Consultants will inform the Director of Human Resources of all employee drug test results.

#### All Other City Employees

1. City of Sherwood employees in safety sensitive or security sensitive positions are subject to either post-employment offer or random drug screening due to the nature of the work that they perform. A list of safety sensitive and security sensitive positions is attached to this policy.
2. City of Sherwood employees may be subject to drug or alcohol testing if the immediate supervisor or Department Head has reasonable suspicion that the employee is under the influence, potentially affecting their job performance or the safety of other employees or the public.
3. If a manager believes one of their employees is under the influence of alcohol or other controlled substance while at work, the manager should immediately contact their Department Head and the Director of Human Resources.
4. After consultation with the Department Head, the Director of Human Resources will authorize the employee to be tested.
5. The Department Head will inform the employee that they must report immediately to A'Test Consultants for drug and/or alcohol testing.
6. Failure to submit to testing, or a reported positive test result, will be grounds for immediate termination.
7. A'Test Consultants will inform the Director of Human Resources of all employee drug test results.

**Safety or Security Positions as Identified under the City of Sherwood's Drug Free Workplace Program**

- 1) All Police Department employees.
- 2) Motor vehicle operators who carry passengers, including but not limited to, drivers who transport other city employees.
- 3) Mechanics who work on vehicles designed to carry passengers.
- 4) Lifeguards, After School Program Counselors and Summer Day Camp Counselors.
- 5) Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League, and where the operation of a motor vehicle is not incidental to the employee's occupation.
- 6)
- 7)
- 8) .

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING FOR THE CITY OF SHERWOOD, ARKANSAS, THE 2012 EDITION OF THE ARKANSAS FIRE PREVENTION CODE, COMPRISED OF VOLUME 1 - FIRE, VOLUME 2 - BUILDING, & VOLUME 3 - RESIDENTIAL, AS AMENDED, REPEALING CONFLICTING ORDINANCES.**

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Sherwood, Arkansas, for the city to adopt the 2012 editions of the Arkansas Fire Prevention Code, Volumes 1, 2, & 3, as amended, regulating and governing, in the City of Sherwood:

- a) the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises;
- b) the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures;
- c) the proper inspection activities relating to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one- and two-family dwellings and townhouses, and other buildings, structures, and premises; providing for the issuance of permits and collections of fees therefore;
- d) the minimum requirements to safeguard the public health, safety and general welfare, the structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, workmanship, and safety to life and property from fire and other hazards attributed to the built environment;

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

**SECTION 1:** That there is hereby adopted by the City of Sherwood, the 2012 edition of the Arkansas Fire Prevention Code, Volumes 1, 2, & 3, save and except such portions as amended, in Sections 2-4 below. These rules and regulations are adopted, regulating and governing:

- a) the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises;
- b) the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures;
- c) the proper inspection activities relating to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of one- and two-family dwellings and townhouses, and other buildings, structures, and premises; providing for the issuance of permits and collections of fees therefore;

d) and, the minimum requirements to safeguard the public health, safety and general welfare, the structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, workmanship, and safety to life and property from fire and other hazards attributed to the built environment.

**SECTION 2:** The following sections of *Volume 1 - Fire*, are hereby amended:

Section 108: Replace with:

**Section 108: Appeals.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

**SECTION 3:** The following sections of *Volume 2 - Building*, are hereby amended:

Section 105.2: Omit: Items 1 & 2. Permit is required for storage buildings and fences.

Section 112: Replace with:

**Section 112: Appeals.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

Section 1612.3: Insert: (The City of Sherwood), (August 16, 1995)

Section 3412.2: Insert: (March 27, 1967)

**SECTION 4:** The following sections of *Volume 3 - Residential*, are hereby amended:

Section R105.2: Omit: Items 1 & 2. Permit is required for storage buildings and fences.

Section R105.5: Replace with:

**R105.5 Expiration.** Any residential building permit that is issued by the City of Sherwood shall become invalid after 12 months from the date of issuance. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. One 90 day extension may be granted at no cost if request is made in writing to the Permit & Planning Department for good cause. After a ninety day extension is expired, a replacement permit good for an additional 90 days for completion may be obtained by paying 50% of the original building permit costs, if request is made in writing to the Permit & Planning Department for good cause.

Section R112: Replace with:

**Section R112: Appeals.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute.

Appeals will be formally submitted to the Arkansas State Fire Marshall or his assigns to obtain a ruling.

**SECTION 5:** That, pursuant to Volume 2 - Building, section 108.2, the attached building permit fee schedule is adopted and incorporated into this ordinance word for word as if set forth therein, except for new homes.

Section 5.1: That the building permit fee for new homes will be calculated at the rate of \$0.16 per square foot under roof.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the City of Sherwood, Arkansas, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling the construction of all buildings and other structures within the corporate city limits of the City of Sherwood, Arkansas.

**SECTION 8:** The provisions of this ordinance are hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not affect the validity of the remainder of this ordinance.

**SECTION 9:** This ordinance being necessary for the development of the City of Sherwood, and the protection of the public health, safety, and welfare of the citizens of Sherwood, Arkansas, this ordinance shall be in full force effective March 1, 2015.

**ADOPTED** on this \_\_\_\_ day of **February 2015**.

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

Stephen Cobb, City Attorney

<b>BUILDING PERMIT FEE'S ORDINANCE</b>					
0-500.00	\$6.00	\$48,000.00	\$200.00	\$95,000.00	\$300.00
500.01 - 1,000.00	\$10.00	\$49,000.00	\$200.00	\$96,000.00	\$300.00
1,000.01 - 3,000.00	\$20.00	\$50,000.00	\$200.00	\$97,000.00	\$300.00
\$4,000.00	\$24.00	\$51,000.00	\$203.00	\$98,000.00	\$300.00
\$5,000.00	\$28.00	\$52,000.00	\$206.00	\$99,000.00	\$300.00
\$6,000.00	\$32.00	\$53,000.00	\$209.00	\$100,000.00	\$300.00
\$7,000.00	\$36.00	\$54,000.00	\$212.00	\$101,000.00	\$302.00
\$8,000.00	\$40.00	\$55,000.00	\$215.00	\$102,000.00	\$304.00
\$9,000.00	\$44.00	\$56,000.00	\$218.00	\$103,000.00	\$306.00
\$10,000.00	\$48.00	\$57,000.00	\$221.00	\$104,000.00	\$308.00
\$11,000.00	\$52.00	\$58,000.00	\$224.00	\$105,000.00	\$310.00
\$12,000.00	\$56.00	\$59,000.00	\$227.00	\$106,000.00	\$312.00
\$13,000.00	\$60.00	\$60,000.00	\$230.00	\$107,000.00	\$314.00
\$14,000.00	\$64.00	\$61,000.00	\$233.00	\$108,000.00	\$316.00
\$15,000.00	\$68.00	\$62,000.00	\$236.00	\$109,000.00	\$318.00
\$16,000.00	\$72.00	\$63,000.00	\$239.00	\$110,000.00	\$320.00
\$17,000.00	\$76.00	\$64,000.00	\$242.00	\$111,000.00	\$322.00
\$18,000.00	\$80.00	\$65,000.00	\$245.00	\$112,000.00	\$324.00
\$19,000.00	\$84.00	\$66,000.00	\$248.00	\$113,000.00	\$326.00
\$20,000.00	\$88.00	\$67,000.00	\$251.00	\$114,000.00	\$328.00
\$21,000.00	\$92.00	\$68,000.00	\$254.00	\$115,000.00	\$330.00
\$22,000.00	\$96.00	\$69,000.00	\$257.00	\$116,000.00	\$332.00
\$23,000.00	\$100.00	\$70,000.00	\$260.00	\$117,000.00	\$334.00
\$24,000.00	\$104.00	\$71,000.00	\$263.00	\$118,000.00	\$336.00
\$25,000.00	\$108.00	\$72,000.00	\$266.00	\$119,000.00	\$338.00
\$26,000.00	\$112.00	\$73,000.00	\$269.00	\$120,000.00	\$340.00
\$27,000.00	\$116.00	\$74,000.00	\$272.00	\$121,000.00	\$342.00
\$28,000.00	\$120.00	\$75,000.00	\$275.00	\$122,000.00	\$344.00
\$29,000.00	\$124.00	\$76,000.00	\$278.00	\$123,000.00	\$346.00
\$30,000.00	\$128.00	\$77,000.00	\$281.00	\$124,000.00	\$348.00
\$31,000.00	\$132.00	\$78,000.00	\$284.00	\$125,000.00	\$350.00
\$32,000.00	\$136.00	\$79,000.00	\$287.00	\$126,000.00	\$352.00
\$33,000.00	\$140.00	\$80,000.00	\$290.00	\$127,000.00	\$354.00
\$34,000.00	\$144.00	\$81,000.00	\$293.00	\$128,000.00	\$356.00
\$35,000.00	\$148.00	\$82,000.00	\$296.00	\$129,000.00	\$358.00
\$36,000.00	\$152.00	\$83,000.00	\$299.00	\$130,000.00	\$360.00
\$37,000.00	\$156.00	\$84,000.00	\$300.00	\$131,000.00	\$362.00
\$38,000.00	\$160.00	\$85,000.00	\$300.00	\$132,000.00	\$364.00
\$39,000.00	\$164.00	\$86,000.00	\$300.00	\$133,000.00	\$366.00
\$40,000.00	\$168.00	\$87,000.00	\$300.00	\$134,000.00	\$368.00
\$41,000.00	\$172.00	\$88,000.00	\$300.00	\$135,000.00	\$370.00
\$42,000.00	\$176.00	\$89,000.00	\$300.00	\$136,000.00	\$372.00
\$43,000.00	\$180.00	\$90,000.00	\$300.00	\$137,000.00	\$374.00
\$44,000.00	\$184.00	\$91,000.00	\$300.00	\$138,000.00	\$376.00
\$45,000.00	\$188.00	\$92,000.00	\$300.00	\$139,000.00	\$378.00
\$46,000.00	\$192.00	\$93,000.00	\$300.00	\$140,000.00	\$380.00
\$47,000.00	\$196.00	\$94,000.00	\$300.00	\$141,000.00	\$382.00
\$142,000.00	\$384.00	\$191,000.00	\$482.00	\$241,000.00	\$582.00
\$143,000.00	\$386.00	\$192,000.00	\$484.00	\$242,000.00	\$584.00
\$144,000.00	\$388.00	\$193,000.00	\$486.00	\$243,000.00	\$586.00

\$145,000.00	\$390.00	\$194,000.00	\$488.00	\$244,000.00	\$588.00
\$146,000.00	\$392.00	\$195,000.00	\$490.00	\$245,000.00	\$590.00
\$147,000.00	\$394.00	\$196,000.00	\$492.00	\$246,000.00	\$592.00
\$148,000.00	\$396.00	\$197,000.00	\$494.00	\$247,000.00	\$594.00
\$149,000.00	\$398.00	\$198,000.00	\$496.00	\$248,000.00	\$596.00
\$150,000.00	\$400.00	\$199,000.00	\$498.00	\$249,000.00	\$598.00
\$151,000.00	\$402.00	\$200,000.00	\$500.00	\$250,000.00	\$600.00
\$152,000.00	\$404.00	\$201,000.00	\$502.00	\$251,000.00	\$602.00
\$153,000.00	\$406.00	\$202,000.00	\$504.00	\$252,000.00	\$604.00
\$154,000.00	\$408.00	\$203,000.00	\$506.00	\$253,000.00	\$606.00
\$155,000.00	\$410.00	\$204,000.00	\$508.00	\$254,000.00	\$608.00
\$156,000.00	\$412.00	\$205,000.00	\$510.00	\$255,000.00	\$610.00
\$157,000.00	\$414.00	\$206,000.00	\$512.00	\$256,000.00	\$612.00
\$158,000.00	\$416.00	\$207,000.00	\$514.00	\$257,000.00	\$614.00
\$159,000.00	\$418.00	\$208,000.00	\$516.00	\$258,000.00	\$616.00
\$160,000.00	\$420.00	\$209,000.00	\$518.00	\$259,000.00	\$618.00
\$161,000.00	\$422.00	\$210,000.00	\$520.00	\$260,000.00	\$620.00
\$162,000.00	\$424.00	\$211,000.00	\$522.00	\$261,000.00	\$622.00
\$163,000.00	\$426.00	\$212,000.00	\$524.00	\$262,000.00	\$624.00
\$164,000.00	\$428.00	\$213,000.00	\$526.00	\$263,000.00	\$626.00
\$165,000.00	\$430.00	\$214,000.00	\$528.00	\$264,000.00	\$628.00
\$166,000.00	\$432.00	\$215,000.00	\$530.00	\$265,000.00	\$630.00
\$167,000.00	\$434.00	\$216,000.00	\$532.00	\$266,000.00	\$632.00
\$168,000.00	\$436.00	\$217,000.00	\$534.00	\$267,000.00	\$634.00
\$169,000.00	\$438.00	\$218,000.00	\$536.00	\$268,000.00	\$636.00
\$170,000.00	\$440.00	\$219,000.00	\$538.00	\$269,000.00	\$638.00
\$171,000.00	\$442.00	\$220,000.00	\$540.00	\$270,000.00	\$640.00
\$172,000.00	\$444.00	\$221,000.00	\$542.00	\$271,000.00	\$642.00
\$173,000.00	\$446.00	\$222,000.00	\$544.00	\$272,000.00	\$644.00
\$174,000.00	\$448.00	\$223,000.00	\$546.00	\$273,000.00	\$646.00
\$175,000.00	\$450.00	\$224,000.00	\$548.00	\$274,000.00	\$648.00
\$176,000.00	\$452.00	\$226,000.00	\$550.00	\$275,000.00	\$650.00
\$177,000.00	\$454.00	\$227,000.00	\$552.00	\$276,000.00	\$652.00
\$178,000.00	\$456.00	\$228,000.00	\$554.00	\$277,000.00	\$654.00
\$179,000.00	\$458.00	\$229,000.00	\$556.00	\$278,000.00	\$656.00
\$180,000.00	\$460.00	\$230,000.00	\$558.00	\$279,000.00	\$658.00
\$181,000.00	\$462.00	\$231,000.00	\$560.00	\$280,000.00	\$660.00
\$182,000.00	\$464.00	\$232,000.00	\$564.00	\$281,000.00	\$662.00
\$183,000.00	\$466.00	\$233,000.00	\$566.00	\$282,000.00	\$664.00
\$184,000.00	\$468.00	\$234,000.00	\$568.00	\$283,000.00	\$666.00
\$185,000.00	\$470.00	\$235,000.00	\$570.00	\$284,000.00	\$668.00
\$186,000.00	\$472.00	\$236,000.00	\$572.00	\$285,000.00	\$670.00
\$187,000.00	\$474.00	\$237,000.00	\$574.00	\$286,000.00	\$672.00
\$188,000.00	\$476.00	\$238,000.00	\$576.00	\$287,000.00	\$674.00
\$189,000.00	\$478.00	\$239,000.00	\$578.00	\$288,000.00	\$676.00
\$190,000.00	\$480.00	\$240,000.00	\$580.00	\$289,000.00	\$678.00
\$290,000.00	\$680.00	\$339,000.00	\$778.00	\$388,000.00	\$876.00
\$291,000.00	\$682.00	\$340,000.00	\$780.00	\$389,000.00	\$878.00
\$292,000.00	\$684.00	\$341,000.00	\$782.00	\$390,000.00	\$880.00
\$293,000.00	\$686.00	\$342,000.00	\$784.00	\$391,000.00	\$882.00
\$294,000.00	\$688.00	\$343,000.00	\$786.00	\$392,000.00	\$884.00

\$295,000.00	\$690.00	\$344,000.00	\$788.00	\$393,000.00	\$886.00
\$296,000.00	\$692.00	\$345,000.00	\$790.00	\$394,000.00	\$888.00
\$297,000.00	\$694.00	\$346,000.00	\$792.00	\$395,000.00	\$890.00
\$298,000.00	\$696.00	\$347,000.00	\$794.00	\$396,000.00	\$892.00
\$299,000.00	\$698.00	\$348,000.00	\$796.00	\$397,000.00	\$894.00
\$300,000.00	\$700.00	\$349,000.00	\$798.00	\$398,000.00	\$896.00
\$301,000.00	\$702.00	\$350,000.00	\$800.00	\$399,000.00	\$898.00
\$302,000.00	\$704.00	\$351,000.00	\$802.00	\$400,000.00	\$900.00
\$303,000.00	\$706.00	\$352,000.00	\$804.00	\$401,000.00	\$902.00
\$304,000.00	\$708.00	\$353,000.00	\$806.00	\$402,000.00	\$904.00
\$305,000.00	\$710.00	\$354,000.00	\$808.00	\$403,000.00	\$906.00
\$306,000.00	\$712.00	\$355,000.00	\$810.00	\$404,000.00	\$908.00
\$307,000.00	\$714.00	\$356,000.00	\$812.00	\$405,000.00	\$910.00
\$308,000.00	\$716.00	\$357,000.00	\$814.00	\$406,000.00	\$912.00
\$309,000.00	\$718.00	\$358,000.00	\$816.00	\$407,000.00	\$914.00
\$310,000.00	\$720.00	\$359,000.00	\$818.00	\$408,000.00	\$916.00
\$311,000.00	\$722.00	\$360,000.00	\$820.00	\$409,000.00	\$918.00
\$312,000.00	\$724.00	\$361,000.00	\$822.00	\$410,000.00	\$920.00
\$313,000.00	\$726.00	\$362,000.00	\$824.00	\$411,000.00	\$922.00
\$314,000.00	\$728.00	\$363,000.00	\$826.00	\$412,000.00	\$924.00
\$315,000.00	\$730.00	\$364,000.00	\$828.00	\$413,000.00	\$926.00
\$316,000.00	\$732.00	\$365,000.00	\$830.00	\$414,000.00	\$928.00
\$317,000.00	\$734.00	\$366,000.00	\$832.00	\$415,000.00	\$930.00
\$318,000.00	\$736.00	\$367,000.00	\$834.00	\$416,000.00	\$932.00
\$319,000.00	\$738.00	\$368,000.00	\$836.00	\$417,000.00	\$934.00
\$320,000.00	\$740.00	\$369,000.00	\$838.00	\$418,000.00	\$936.00
\$321,000.00	\$742.00	\$370,000.00	\$840.00	\$419,000.00	\$938.00
\$322,000.00	\$744.00	\$371,000.00	\$842.00	\$420,000.00	\$940.00
\$323,000.00	\$746.00	\$372,000.00	\$844.00	\$421,000.00	\$942.00
\$324,000.00	\$748.00	\$373,000.00	\$846.00	\$422,000.00	\$944.00
\$325,000.00	\$750.00	\$374,000.00	\$848.00	\$423,000.00	\$946.00
\$326,000.00	\$752.00	\$375,000.00	\$850.00	\$424,000.00	\$948.00
\$327,000.00	\$754.00	\$376,000.00	\$852.00	\$425,000.00	\$950.00
\$328,000.00	\$756.00	\$377,000.00	\$854.00	\$426,000.00	\$952.00
\$329,000.00	\$758.00	\$378,000.00	\$856.00	\$427,000.00	\$954.00
\$330,000.00	\$760.00	\$379,000.00	\$858.00	\$428,000.00	\$956.00
\$331,000.00	\$762.00	\$380,000.00	\$860.00	\$429,000.00	\$958.00
\$332,000.00	\$764.00	\$381,000.00	\$862.00	\$430,000.00	\$960.00
\$333,000.00	\$766.00	\$382,000.00	\$864.00	\$431,000.00	\$962.00
\$334,000.00	\$768.00	\$383,000.00	\$866.00	\$432,000.00	\$964.00
\$335,000.00	\$770.00	\$384,000.00	\$868.00	\$433,000.00	\$966.00
\$336,000.00	\$772.00	\$385,000.00	\$870.00	\$434,000.00	\$968.00
\$337,000.00	\$774.00	\$386,000.00	\$872.00	\$435,000.00	\$970.00
\$338,000.00	\$776.00	\$387,000.00	\$874.00	\$436,000.00	\$972.00
\$437,000.00	\$974.00				
\$438,000.00	\$976.00				
\$439,000.00	\$978.00				
\$440,000.00	\$980.00				
\$441,000.00	\$982.00				
\$442,000.00	\$984.00				
\$443,000.00	\$986.00				

\$444,000.00	\$988.00						
\$445,000.00	\$990.00						
\$446,000.00	\$992.00						
\$447,000.00	\$994.00						
\$448,000.00	\$996.00						
\$449,000.00	\$998.00						
\$450,000.00 thru \$500,000.00 is a \$1,000.00 permit							
ANYTHING OVER \$1,000.00 IS \$1.50 PER \$1,000.00							

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING USE OF EMINENT DOMAIN ON THE MARYLAND AVENUE IMPROVEMENTS AND EXTENSION PROJECT; AND FOR OTHER PURPOSES**

**WHEREAS**, The City is in the process of acquiring right-of-way, permanent construction easements and temporary construction easements necessary for the construction of the Maryland Avenue Improvements and Extension (Sherwood) (S) project, Job Number 061295. Not all attempts to negotiate acquisition have been successful and,

**WHEREAS**, The City has acquired several parcels and will continue to seek to acquire the necessary property without the use of Eminent Domain.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS:**

**Section 1.** The Mayor, City Attorney and staff are hereby authorized to use eminent domain to complete acquisition of right-of-way, temporary construction easements and permanent construction easements necessary for construction of the project as shown on the plans for right-of-way acquisition.

**Section 2.** Funding for this project was authorized by Resolution 2022.

**Section 3. Severability.** In the event any title, section, paragraph, item sentence, clause, phrase or word of this resolution is declared or adjudges to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this resolution.

**Section 4. Repealer.** All laws, ordinances, resolutions or parts of the same that are inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

**Section 5.** This resolution will be in full force and effect from and after the date of its adoption.

**ADOPTED** on this \_\_\_\_ day of February 2015.

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REVISED PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM (PAGis) INTERLOCAL AGREEMENT; AND FOR OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. §§ 25-20-101 et seq. Provides for interlocal Cooperation agreements between various political subdivisions of the State of Arkansas; and

WHEREAS, members have benefited greatly from the Pulaski Area Geographic Information System; and

WHEREAS, PAGis has been successful as a project organization and has developed a strategic plan to provide system maintenance for information that has been developed and will continue to be developed and improved; and

WHEREAS, the strategic plan recommended the formation of a permanent PAGis Organization and, therefore, there is a need to revise said PAGis interlocal agreement.

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

SECTION 1: That the Mayor and City Clerk are hereby authorized to enter into a revised Pulaski Area Geographic Information System Interlocal Agreement (substantially similar to Exhibit "A" attached hereto) between the City of North Little Rock, City of Little Rock, Pulaski County, Arkansas, Central Arkansas Water, Little Rock Wastewater Utility, and North Little Rock Wastewater Utility, the City of Jacksonville and the City of Sherwood.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** on this \_\_\_ day of **February 2015**.

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

**PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM  
INTERLOCAL AGREEMENT  
(Fifth Restatement & Amendment)**

This Agreement is made and entered into by and among the City of Little Rock, Arkansas ("Little Rock"), the City of North Little Rock, Arkansas ("North Little Rock"), Pulaski County, Arkansas ("County"), for the benefit of its Public Works department, but no other department or division of the County, Central Arkansas Water ("CAW"), Little Rock Wastewater Utility ("LR Wastewater"), North Little Rock Wastewater Utility ("NLR Wastewater"), the City of Jacksonville, Arkansas ("Jacksonville"), and the City of Sherwood, Arkansas ("Sherwood") and it is an amendment and restatement of prior Interlocal Agreements entered into among the first seven parties.

**WHEREAS**, the Pulaski Area Geographic Information System ("PAgis") was initiated in 1990 as a cooperative venture among Little Rock, Little Rock Municipal Water Works (predecessor of CAW), and LR Wastewater; and

**WHEREAS**, the County, NLR Wastewater, North Little Rock, and Jacksonville later joined the cooperative venture as financially contributing members; and

**WHEREAS**, PAgis was previously governed by a Memorandum of Understanding that was entered into on October 31, 1990, and subsequently amended on December 30, 1992, and on December 4, 1998, January 1, 2005, and as of June 16, 2009; and

**WHEREAS**, benefits to the members of PAgis include: (1) delivering services efficiently in every department of government; (2) increasing the accuracy of information provided to the public while decreasing the time necessary to provide the information; (3) eliminating the duplication of effort within government; (4) enhancing information for resource allocation, which will result in better use of public funds; (5) improving public health, welfare and safety; (6) advancing citizen access to public information; (7) strengthening citizen participation in government; (8) gaining increased benefits from existing information; (9) providing information not otherwise available; and (10) developing information sharing within public and private sectors; and

**WHEREAS**, PAgis has been successful as a project organization in that its committees have defined, scheduled, and implemented tasks necessary to assemble an information database; and

**WHEREAS**, PAgis has developed a Strategic Plan to provide system maintenance for the information that has been developed since 1990 and is currently being developed, improved and maintained at substantial cost; and

**WHEREAS**, the strategic Plan recommended the formation of a permanent PAgis organization that will provide for the hardware, software, additional data, data distribution, training, and staff to manage the current investment in PAgis; and

**WHEREAS**, Sherwood desires to join PAgis.

**NOW, THEREFORE**, Little Rock, North Little Rock, Jacksonville, Sherwood, CAW, the County, LR Wastewater and NLR Wastewater, in consideration of the mutual covenants and the terms and conditions set forth herein, agree as follows:

1. **PARTIES**. This Agreement is hereby entered into by and between Little Rock, North Little Rock, Jacksonville and Sherwood, acting by and through their respective Mayors and Boards of Directors or City Councils, the County, acting by and through its Quorum Court and

County Judge; CAW acting by and through its Board of Commissioners, and LR Wastewater and NLR Wastewater, acting by and through their respective Boards of Commissioners.

2. **NAME.** The name of the organization evidenced by this Agreement shall be "Pulaski Area Geographic Information System", hereinafter referred to as PAgis.
3. **TERM.** The term of this Agreement shall be indefinite. However, any of the signatory parties may withdraw from said organization at the close of any fiscal year; provided, however, that notice thereof shall have been given to all other signatory parties, in writing, at least one year in advance of the proposed date of withdrawal.
4. **TERMINATION AND WITHDRAWAL.** In the event that PAgis is terminated and dissolved then the Board of Directors will adopt a reasonable plan to discharge all outstanding liabilities to third parties and then the remaining assets of PAgis shall be distributed to the members of PAgis who have been members of PAgis for at least three (3) years, as provided in the By-laws. In no event shall any asset revert to any person who is not a governmental agency or instrumentality. A withdrawing member shall not be entitled to the assets of PAgis. The parties hereto agree that Little Rock, North Little Rock, Jacksonville, CAW, LR Wastewater, NLR Wastewater and the County have been members of PAgis for at least three (3) years as of the effective date of this Agreement; Sherwood is new to the Agreement.
5. **PURPOSE.** The purpose of PAgis is to be a leader in providing high quality geographic information services which meet customer and management needs. PAgis is a partnership owned and controlled by the governmental entities which are its members, open to public and private information sharing, dedicated to effective delivery of geographically based information products and services using a shared database.

The stated goals of PAgis are as follows: (1) Operate a shared database; (2) Establish defined responsibilities for quality database maintenance; (3) Secure adequate funding for system operation and maintenance; (4) Secure additional governmental partners; (5) Conform to and maintain the database according to established standards; (6) Maintain competent and professional staff; and (7) Provide for the satisfaction of its customers.

PAgis will serve as a management tool for capital assets of the signatory parties. In addition, PAgis will be able to connect existing data into a complete functioning information system and allow the signatory parties to: (1) track customer complaints and inquiries geographically and take more efficient remedial action; (2) create more efficient service routes; (3) provide better information to field personnel; and (4) target mailings to customers.

PAgis will be responsible for: (1) the core data on which the signatory parties' systems depend in the areas of ground control, planimetrics, addresses, parcels, city limits, and metadata; (2) responding to requests for information from the public; and (3) organizing ongoing training for its own staff and the staffs of the signatory parties' organizations.

6. **ORGANIZATIONAL STRUCTURE.** PAgis will be supervised, administered, and directed by a Board of Directors whose members will represent the signatory parties as well as any additional governmental agencies or instrumentalities who may become members of PAgis.

A Geographic Information System Manager will report directly to the Board of Directors, and will be charged with implementing the PAgis work program and goals.

Title to fixed assets held by each signatory party and used for geographic information system purposes at the time of the establishment of PAgis shall remain unchanged. Additional assets shall be acquired in the name of PAgis.

Additional governmental agencies or instrumentalities may become members of PAgis with the consent of all the existing members, who shall determine the conditions of their association, including but not limited to financing and representation on the Board of Directors.

The operation and management of PAgis will be governed by By-laws adopted by the Board of Directors.

7. FINANCING. The Board of Directors having administration of PAgis shall budget and disburse all funds received by it from the appropriate designated authorities of the signatory parties participating in this Agreement as well as any funds received from future members. Each of the signatory parties will share the costs incurred for the operation and maintenance of PAgis, in accordance with the By-laws or as established by the Directors.
8. GEOGRAPHIC AREA. The PAgis services area consists of the incorporated and unincorporated area of Pulaski County; this area may be expanded with the inclusion of additional governmental members into the organization.
9. NONDISCRIMINATION. The signatory parties agree that they will oversee and supervise the governance and operations of PAgis to ensure that benefits and privileges of PAgis are provided and available on a nondiscriminatory basis.
10. SEVERABILITY. The provisions of the Agreement are declared to be severable. If any provision hereof shall be held to be invalid or to be inapplicable to any party or circumstance, such holding shall not affect the validity or applicability of the remainder hereof.
11. EFFECTIVENESS. This Agreement, as amended, shall become effective on \_\_\_\_\_, 2015, provided that prior to said date, it has been approved and executed by each of the signatory parties; that the Attorney General of the State of Arkansas has either approved it or failed to disapprove it; and that it has been filed with the County Clerk of Pulaski County and the Secretary of State; otherwise, it shall become effective on the date of the last the above specified acts shall have been accomplished.

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SIGNATURE PAGES 1 of 2  
PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM  
INTERLOCAL AGREEMENT  
(Fifth Restatement & Amendment)

ATTEST:

**CITY OF LITTLE ROCK,  
ARKANSAS**

\_\_\_\_\_  
Susan Langley, City Clerk

By:

\_\_\_\_\_  
Mark Stodola, Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST:

**CITY OF NORTH LITTLE ROCK,  
ARKANSAS**

\_\_\_\_\_  
Diane Whitbey, City Clerk

By:

\_\_\_\_\_  
Joe Smith, Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST:

**CITY OF JACKSONVILLE,  
ARKANSAS**

\_\_\_\_\_  
Susan Davitt, City Clerk

By:

\_\_\_\_\_  
Gary Fletcher, Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST:

**CITY OF SHERWOOD,  
ARKANSAS**

\_\_\_\_\_  
Angela Nicholson, City Clerk

By:

\_\_\_\_\_  
Virginia Hillman, Mayor

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST:

PULASKI COUNTY, ARKANSAS

\_\_\_\_\_  
Larry Crane, County Clerk

By:

\_\_\_\_\_  
Barry Hyde, County Judge

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

DRAFT

SIGNATURE PAGES 2 of 2  
PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM  
INTERLOCAL AGREEMENT  
(Fifth Restatement & Amendment)

**CENTRAL ARKANSAS WATER**

By: \_\_\_\_\_  
Graham Rich, Chief Executive Officer

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**LITTLE ROCK WASTEWATER  
UTILITY**

By: \_\_\_\_\_  
Greg Ramon, Chief Executive Officer

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**NORTH LITTLE ROCK  
WASTEWATER UTILITY**

By: \_\_\_\_\_  
Marc Wilkins, Director

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**DRAFT**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS, IN COOPERATION WITH BOND COUNSEL, TO PROCEED WITH MATTERS PRELIMINARY TO THE ISSUANCE OF APPROXIMATELY \$6,000,000.00 PRINCIPAL AMOUNT OF LIBRARY CAPITAL IMPROVEMENT BONDS; DECLARING ITS INTENTION TO REIMBURSE ITSELF FOR QUALIFYING EXPENDITURES FROM THE PROCEEDS OF THE BONDS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, Based upon the approval of the voters on November 4, 2014 of a 1.3 mil tax and the issuance of bonds the City Council of has determined that it is in the best interest of the City of Sherwood (the "City") to issue Library Capital Improvement Bonds for the purpose to design, construct and equip a new library facility for the City together with related improvements, to fund a debt service reserve, and to pay the costs of issuing the Bonds; and

**WHEREAS**, in order to provide for the issuance and sale of the Bonds, the City Council desires to authorize the planning for, documentation, and marketing of the Bonds, to ratify the selection of Wright, Lindsey & Jennings LLP, as Bond Counsel, and to evidence its intention to reimburse itself for qualifying expenditures from the proceeds of the Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF SHERWOOD ARKANSAS THAT:**

**SECTION 1.** Such preliminary actions as are determined to be necessary by the City Council are hereby authorized for the planning for, documentation and marketing of approximately \$6,000,000.00 in aggregate principal amount of Library Capital Improvement Bonds to finance the costs of designing, constructing and equipping a new library facility in the city, to fund a debt service reserve, and to pay the costs of issuing the Bonds, provided, however, that issuance of the Bonds shall be subject to final approval by the City.

**SECTION 2.** The City Council hereby declares its intent to reimburse the City, and those funds available to the City for Expenditures from the proceeds of its Bonds, and, further, declares as follows:

(a) Proceeds of the Bonds will be applied to reimburse the City and those funds available to the City for the Expenditures within eighteen (18) months after the date of the Expenditures and, in any event, within three (3) years after the date of the making of the Expenditures.

(b) The City is aware of no reason which would cause it to expect that the Expenditures would be reimbursed from any source other than proceeds of the Bonds.

(c) The City is aware of no reason which would cause it to believe that a substantial portion of the Expenditures will not be reimbursed from the proceeds of the Bonds.

(d) The City is aware of nothing in the budget or financial circumstances of the Commission or funds of the City which is inconsistent with the intent and declaration of the City to finance the Expenditures with the Bonds. The City is aware of no reason to expect that funds other than proceeds of the Bonds will be reserved or allocated on a long-term basis or otherwise set aside for the Expenditures pursuant to budgetary or financial policies of the City.

(e) The Bonds will be issued in the principal amount of approximately \$6,000,000.00.

(f) The Expenditures will be "capital expenditures" within the meaning of applicable Treasury Regulations or will constitute a portion of the costs of issuance of the Bonds.

**SECTION 3.** The City Council hereby approves the selection of Wright, Lindsey & Jennings LLP, as Bond Counsel.

**SECTION 4.** The City Council hereby authorizes and directs the City and its officers and staff to carry out or cause to be carried out all appropriate actions, to execute such other certificates or documents to evidence authority as authorized herein, and to take such other actions as they, in consultation with Bond Counsel, shall consider necessary or advisable in connection with this Resolution in order to prepare for the issuance, marketing, sale and delivery of the Bonds.

**SECTION 5.** This Resolution shall be effective from and after the date of its adoption.

**ADOPTED** on this \_\_\_ day of February 2015.

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION RENAMING THE GREEN VALLEY PARK TO THE DON HUGHES PARK IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE CITY; AND FOR OTHER PURPOSES**

**WHEREAS**, Don Hughes was a very active citizen in the Gravel Ridge community prior to annexation to the City as a founder of the Gravel Ridge Lion's Club and,

**Whereas**, Mr. Hughes has served as a valuable and active member of Keep Sherwood Beautiful, and has served the City as a member of the Civil Service Commission, and was named Man of the Year by the Sherwood Chamber of Commerce, and

**WHEREAS**, it is only fitting and proper for the City to recognize his many contributions of time and talent to his beloved community.

**Now, therefore, be it Resolved by the City Council of Sherwood, Arkansas**

The Green Valley City Park shall be renamed and shall henceforth be known as Don Hughes Park.

**ADOPTED** on this \_\_\_\_\_ day of **February 2015**

\_\_\_\_\_  
Virginia R. Young, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Nicholson, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephen Cobb, City Attorney