

**FILED**

**APR 28 2020**

**KADE HOLLIDAY  
COUNTY & PROBATE COURT CLERK**

ORDINANCE NO. 2020 - 13

**AN ORDINANCE TO AMEND ORDINANCE 2014-3, INCORPORATING A POLICY FOR EXEMPT EMPLOYEES LEAVE REQUIREMENTS, AND FOR OTHER PURPOSES**

**WHEREAS**, the Quorum Court regularly reviews the Craighead County Employment Policy, and

**WHEREAS**, further review has indicated that the policy is silent on the treatment of Exempt Employees and a fair administration of the Fair Labor Standards Act, and

**WHEREAS**, an exempt leave policy is needed for the proper treatment of pay practices including sickness, disability, and duties imposed upon the employee, and

**WHEREAS**, an exempt leave policy shall be incorporated to project fairness and provide applicable guidelines for managers and elected officials, and

**WHEREAS**, the Quorum Court seeks to adopt and incorporate an Exempt Employment Policy.

**NOW THEREFORE** be it Ordained by the Quorum Court of Craighead County, State of Arkansas as follows:

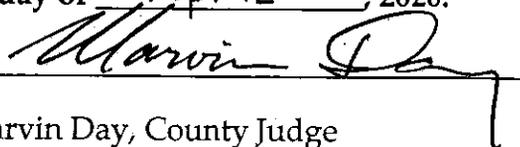
SECTION 1. Ordinance 2014-3 shall be amended and Section 5 of the Craighead County Employment Policy shall add the following Subsection H

(Reference Exhibit A)

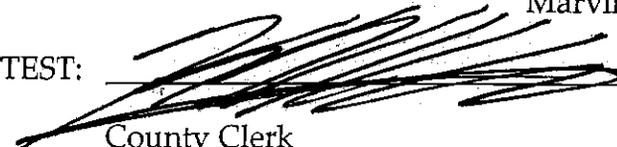
SECTION 2. Exempt employees will still be required to submit time sheets in connection with each pay period to their supervisor to allow for proper payroll processing by the County Clerk.

SECTION 3. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

**PASSED AND APPROVED** on this 27<sup>th</sup> day of APRIL, 2020.

  
Marvin Day, County Judge

ATTEST:

  
County Clerk

## EXHIBIT A.

### 5 (H)

**Purpose.** In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed as defined in the Code of Federal Regulations.

1. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform *no* work at all for the County.
2. Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by Craighead County, regardless of the circumstances. Managers or supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures.
  - a. Jury duty.
  - b. Attendance as a witness.
  - c. Temporary military leave.
  - d. Absences caused by the employer.
  - e. Absences caused by the operating requirements of the business.
  - f. Partial day amounts other than those specifically discussed below.
3. The few exceptions to the requirement to pay exempt employees on a salary basis are listed below. In these cases, deductions may be permissible as long as they are consistent with other company policies and practices.
  - a. Absences of one or more full days for personal reasons other than sickness or disability (partial days must be paid).
  - b. Absences of one or more full days due to sickness or disability.
  - c. Penalties imposed by infractions of safety rules of major significance. A deduction from pay as a penalty for violations of major safety rules can be made in any amount.
  - d. Unpaid disciplinary suspensions of one or more full days in accordance with Counties disciplinary policy.
  - e. Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt employees in the same circumstances.
  - f. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act.
4. Complaint Procedures. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, elected official or to the human resources department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deductions made. This provision does not

negate the employees right under the employment policy for a grievance hearing, if employee so chooses.

5. Nothing in Section H shall contradict Section 13 of the Craighead County Employment Policy regarding Leave Policies and its amendments hereinafter.