

ORDINANCE NO. 5-22

**ORDINANCE REPEALING ORDINANCES 54-20 & 81-17 AND ESTABLISHING
BENEFITS AND RELATED PROCEDURES FOR CITY EMPLOYEES**

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Performance Based Evaluations (ALL City Employees)

A. All City employees will receive a performance evaluation annually.

SECTION 2: ALL Non-Uniformed Employees

A. Employees designated by their department director as a language interpreter are eligible for language incentive pay of \$83.33 per month subject to certain conditions and procedures as follows:

1. Each employee will be required to pass a certification test verifying their ability to speak, listen or sign at the designated competency level required by their department.
2. The City will pay for the first two certification tests for the designated employee. If the employee fails to pass the certification test on the first two attempts, then it will be the employee's responsibility to pay for any subsequent attempts to achieve certification.

B. All non-uniformed employees shall receive longevity pay as follows:

1. After the first five (5) years of continuous and uninterrupted service, the sum of \$10.00 shall be added to monthly compensation.
2. After each five (5) year period of continuous and uninterrupted service thereafter, an additional \$5.00 per month for each said five year periods shall be added. Longevity pay will cap at \$30.00 per month (25 years of continuous and uninterrupted service).

C. All non-uniformed employees are eligible for educational bonus pay, subject to certain conditions and procedures as determined by the Human Resources department upon creation of administration of the program, as follows:

<u>Educational Program</u>	<u>Percentage of Total Annual Pay Added as Bonus</u>
Associates Degree	3%
Bachelor's Degree	6%
Master's Degree	7%

SECTION 3: Non-Exempt Non-Uniformed Employees

A. Shift Differential - Non-Exempt employees assigned to work a second shift shall receive a shift differential of ten (10) cents per hour for each hour worked beginning with a regularly scheduled shift starting time between 2:00 p.m. and 10:00 p.m. (based on departmental scheduling). A Non-Exempt employee assigned to work a third shift shall receive a shift

differential of fifteen (15) cents per hour for each hour worked beginning with a regularly scheduled shift starting time between 10:00 p.m. and 6:00 a.m. (based on departmental scheduling).

- B. Mileage Reimbursement - Employees, who on written instructions, use their personal automobile(s) on City business will be reimbursed at the Internal Revenue Service Code rate.

SECTION 4: Exempt Non-Uniformed Employees

- A. In addition to any other current contributions, the City will make a contribution of one-hundred dollars (\$100) per month into a retirement account (457) for each department head as listed below:

City Administrator	Deputy City Administrator
District Court Clerk	Police Chief
Director, Engineering	Fire Chief
Director, Development Services	Director, Building Services
Director, Human Resources	Director, Finance
Director, Streets & Traffic Control	Director, Solid Waste
Director, Transit	City Clerk
Director, Information & Technology Services	Internal Auditor
Director, Parks & Recreation	Director, Utilities
Director, Community Development	Prosecuting Attorney
Executive Director, CVB	Interim Director

- B. Mileage Reimbursement - Employees, who on written instructions, use their personal automobile(s) on City business will be reimbursed at the Internal Revenue Service Code rate unless an automobile allowance is provided.

SECTION 5: Civil Service (uniformed) Employees of the Fire Department

- A. All hourly compensated firefighters shall have a work period of fourteen (14) days (106 hours) and shall be subject to the Section 7(k) exemption of 29 CFR Part 553 application of the Fair Labor Standards Act to Employees of State and Local Governments.
- B. All firefighters shall receive compensation for an additional thirteen (13) days paid as legal holidays in accordance with the provisions of Act 501 of 1987. Compensation for holidays is based on the firefighter's daily rate of pay and is in addition to the regular pay schedule. Holiday compensation is included in the rates of pay provided in the appendix setting forth the Fire Department Pay Schedule attached to the annual Ordinance Establishing Pay Rates For City Employees. The thirteen (13) days of holiday equalization pay shall be prorated and paid during the regular payroll periods. In calculating the holiday pay, the "daily rate of pay" for all hourly compensated firefighters is hereby defined for all budgetary purposes of the City of Fort Smith as being one-tenth of the biweekly base pay for the applicable employment grade and range. The biweekly base pay period for all firefighters shall be based on an average of one hundred twelve (112) hours worked biweekly.
- C. All firefighters shall be granted annual vacation as follows:
 1. After twelve (12) months of continuous and uninterrupted service, 144 hours.
 2. After six (6) consecutive years of continuous and uninterrupted service, 168 hours.
 3. After ten (10) consecutive years of continuous and uninterrupted service, 192 hours.
 4. After fifteen (15) consecutive years of continuous and uninterrupted service, 216 hours.

5. After twenty (20) consecutive years of continuous and uninterrupted service, 240 hours.

Annual vacation leave shall not be accumulated from calendar year to calendar year.

- D. For administrative convenience, the annual vacation of not less than fifteen (15) days with full pay for Fire Department employees as required by A.C.A. § 14-53-107 and provided in Section 5. C. above is hereafter defined in terms of annual vacation hours as provided in this section. Each three days of annual vacation with full pay provided for in A.C.A. § 14-53-107 and each three days of additional annual vacation granted by Section 5. C. above is deemed to be equal to one scheduled working shift of twenty-four (24) hours. For administrative record keeping of the City, the City Administrator and his designated agents are authorized to maintain records regarding annual vacation leave in terms of scheduled working hours. Using such administrative procedure, the annual vacation provided by Section 5. C. above shall be provided in terms of three (3) calendar days being equal to one (1) working shift of twenty-four (24) hours. For each hour of vacation leave that a firefighter is away from a regularly scheduled work shift, one hour shall be credited against his annual vacation benefit.
- E. The administrative procedures provided in Section 5. D. above shall not be interpreted or construed to enlarge or decrease the current vacation leave benefit provided by A.C.A. § 14-53-107 and this Ordinance.
- F. Sick leave for firefighters shall accumulate at a rate of 360 hours per year beginning with the date of employment and decreasing to 288 hours per year beginning four (4) years after employment. Unused sick leave shall accumulate to firefighters provided with 360 hours per year and 288 hours per year sick leave to a maximum of 2400 hours. If at the end of his/her term of service, upon death or retirement defined as being eligible to receive normal, early or disability LOPFI retirement pension payments immediately upon separation of employment, any firefighter who has unused accumulated sick leave, he/she shall be paid for such sick leave at the regular rate of pay in effect at the time of retirement provided, however, that payment for unused sick leave upon retirement shall not exceed three (3) months' salary as per state law, A.C.A. § 14-53-108.
- G. All Firefighters shall receive longevity pay as follows:
 1. After the first five (5) years of continuous and uninterrupted service, the sum of \$10.00 shall be added to monthly compensation.
 2. After each five (5) year period of continuous and uninterrupted service thereafter, an additional \$5.00 per month for each said five year periods shall be added. Longevity pay will cap at \$30.00 per month (25 years of continuous and uninterrupted service).
- H. All firefighters, after their first year of probation, shall be eligible for a monthly pay bonus for the completion of certificates awarded by the Arkansas State Fire Academy or the National Fire Academy according to the following schedule.

<u>Certificate</u>	<u>Monthly Pay Bonus</u>
1. Pump Operation/Emergency Driving	\$15.00
2. Fire Inspector 1	\$15.00
3. First Responder	\$15.00
4. Fire Officer 1	\$15.00
5. Emergency Medical Technician EMT	\$15.00
6. Special Certification Certificate as per Fire Chief	\$15.00
7. Arson Investigation	\$15.00

8. Hazardous Materials \$15.00
Total possible Certificate pay: \$120.00

- I. An additional 10%, after their first year of probation, shall be added to the pay rate of a firefighter who becomes a Certified Paramedic. Certification must be maintained or certification pay will be eliminated.
- J. All firefighters shall receive an annual physical examination by the City to determine their physical fitness to perform firefighting activities.
- K. All firefighters shall be eligible for an additional pay allowance as outlined below:
 - 1. Laundry Allowance \$600.00/year (paid bi-weekly)
- L. Firefighters designated by the Fire Chief as a language interpreter are eligible for language incentive pay of \$83.33 per month subject to certain conditions and procedures as follows:
 - 1. Each firefighter will be required to pass a certification test verifying their ability to speak, listen or sign at the designated competency level required by their department.
 - 2. The City will pay for the first two certification tests for the designated firefighter. If the employee fails to pass the certification test on the first two attempts, then it will be the employee's responsibility to pay for any subsequent attempts to achieve certification.
- M. All firefighters are eligible for educational bonus pay subject to certain conditions and procedures as follows: If the employee's hire date is on or prior to December 31, 2004 and the employee has entered an educational program then Schedule (1) will be followed. If an employee has not entered an educational program prior to January 1, 2005 or the employee hire date is January 1, 2005 or later then Schedule (2) will be followed. If an employee who is eligible and receiving bonus pay based on Schedule (1) earns a bachelor's degree then that employee will be eligible for Schedule (2).

Schedule (1)

<u>Educational Program</u>	<u>Percentage of Total Annual Pay Added as Bonus</u>
Entry into the Plan	1%
Completion of 15 semester hours	2%
Completion of 30 semester hours	3%
Completion of 45 semester hours	4%
Completion of 60 semester hours +	5% attainment of Associates Degree

Schedule (2)

<u>Educational Program</u>	<u>Percentage of Total Annual Pay Added as Bonus</u>
Associates Degree	3%
Bachelor's Degree	6%
Master's Degree	7%

- N. Firefighters designated by the fire department and certified to maintain and service breathing apparatuses are eligible for incentive pay of \$100.00 per month.
- O. Additional allowances recommended by the Fire Chief or designee and approved by the City Administrator or designee may be granted.

SECTION 6: Civil Service (uniformed) Employees of the Police Department

- A. All hourly compensated Police Officers shall have a work period of seven (7) days, shall receive overtime pay after 40 hours, and shall be subject to the Section 7(k) exemption of 29 CFR Part 553 Application of the Fair Labor Standards Act to Employees of State and Local Governments.
- B. All Police Officers shall receive compensation for an additional thirteen (13) days as paid legal holidays in accordance with the provisions of Act 501 of 1987. Compensation for holidays is based on the officer's daily rate of pay and is in addition to the regular pay schedule. Holiday compensation is included in the rates of pay provided in the appendix setting forth the Police Department Pay Schedule attached to the annual Ordinance Establishing Pay Rates For City Employees. The thirteen (13) days of holiday equalization pay shall be prorated and paid during the regular payroll periods. In calculating the holiday pay, the "daily rate of pay" for all hourly compensated Police Officers is hereby defined for all budgetary purposes of the City of Fort Smith as being the per hour rate of base pay times eight (8) hours for the applicable employment grade and range. The biweekly base pay period for all Police Officers shall be based on an average of forty (40) hours worked weekly.
- C. All Police Officers shall be granted annual vacations as follows:
1. After three (3) months of continuous and uninterrupted service, one hundred twenty (120) hours.
 2. After six (6) consecutive years of continuous and uninterrupted service, one hundred thirty six (136) hours.
 3. After ten (10) consecutive years of continuous and uninterrupted service, one hundred sixty (160) hours.
 4. In addition to the foregoing vacation days, each officer will receive one (1) discretionary day off with pay each year after (12) months of continuous service.

Annual vacation leave and the discretionary day shall not be accumulated for more than a twelve month period from the date of accrual for Civil Service Employees. Subsequent to a declaration of emergency by Federal, State or City governing authorities resulting in a restriction on the use of vacation days with the officer's anniversary occurring during the emergency, and upon the approval of the City Administrator, the prohibition of carrying over vacation leave balances may be waived for up to sixty (60) days from the end of restrictions or the end of the emergency, whichever occurs first.

- D. All Police Officers shall accumulate sick leave at the rate of one-hundred sixty (160) hours per year beginning one (1) year after the date of employment. Sick leave may be accumulated from year to year to maximum accumulation of nine-hundred sixty (960) hours at any one time. If at the end of his/her term of service (death or retirement – retirement is defined as being eligible to receive normal, early or disability LOPFI retirement pension payments immediately upon separation of employment) any Police Officer has unused accumulated sick leave, he/she shall be paid for such sick leave at the regular rate of pay in effect at the time of retirement or death, provided however, that payment of unused sick leave upon retirement or non-duty related death shall not exceed (3) months' salary for Police Officers in the rank of Captain and above and shall not exceed salary for five-hundred twenty (520) hours for Police Officers in the rank of Lieutenant and below.
- E. All Police Officers shall receive longevity pay as follows:

1. After the first five (5) years of continuous and uninterrupted service, the sum of \$10.00 shall be added to monthly compensation.
 2. After each five (5) year period of continuous and uninterrupted service thereafter, an additional \$5.00 per month for each said five year periods shall be added. Longevity pay will cap at \$30.00 per month (25 years of continuous and uninterrupted service).
- F. All Police Officers, after their first year of probation, shall be eligible for a monthly pay bonus for the completion of the State of Arkansas Law Enforcement Standards and Training Certificates as follows:
1. General Certificate - \$20.00 added to monthly compensation.
 2. Intermediate Certificate - \$40.00 added to monthly compensation.
 3. Advanced Certificate - \$60.00 added to monthly compensation.
 4. Senior Certificate - \$80.00 added to monthly compensation.
- G. All police officers shall be eligible for an additional quarterly pay allowance as outlined below:
1. SWAT Allowance - Officers assigned to SWAT/CRT team will be eligible for \$300.00 per quarter in additional compensation.
 2. Clothing Allowance - Officers in specialized or administrative assignments who routinely wear plain clothes will be eligible for \$300.00 per quarter in additional compensation.
 3. FTO Training Allowance – Officers assigned to the Patrol Field Operations Division who are certified Field Training Officers are eligible for \$300.00 per quarter in additional compensation.
- H. Police Officers designated by the Police Chief as a language interpreter are eligible for language incentive pay of \$83.33 per month subject to certain conditions and procedures as follows:
1. Each police officer will be required to pass a certification test verifying their ability to speak, listen or sign at the designated competency level required by their department.
 2. The City will pay for the first two certification tests for the designated police officer. If the employee fails to pass the certification test on the first two attempts, then it will be the employee's responsibility to pay for any subsequent attempts to achieve certification.
- I. All Police Officers are eligible for educational bonus pay subject to certain conditions and procedures as follows: If the employee's hire date is on or prior to December 31, 2004 and the employee has entered an educational program then Schedule (1) will be followed. If an employee has not entered an educational program prior to January 1, 2005 or the employee's hire date is January 1, 2005 or later then Schedule (2) will be followed. If an employee who is eligible and receiving bonus pay based on Schedule (1) earns a bachelor's degree then that employee will be eligible for Schedule (2).

Schedule (1)

<u>Educational Program</u>	<u>Percentage of Total Annual Pay Added as Bonus</u>
Entry into the Plan	1%
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Completion of 45 semester hours	4%
Completion of 60 semester hours +	5% attainment of Associates Degree

Schedule (2)
Educational Program
Associates Degree

Percentage of Total Annual Pay Added as Bonus

3%

Bachelor's Degree
Master's Degree

6%
7%

J. Additional allowances recommended by the Chief of Police or designee and approved by the City Administrator or designee may be granted.

SECTION 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

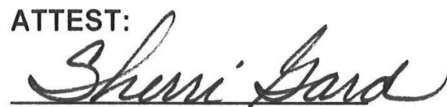
This Ordinance adopted this 4th day of January, 2022.

APPROVED:



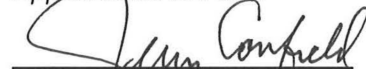
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required