

BAXTER COUNTY QUORUM COURT AGENDA
DECEMBER 5, 2023

THE BAXTER COUNTY QUORUM COURT WILL MEET FOR REGULAR SESSION ON TUESDAY, DECEMBER 5, 2023 AT 6:00 PM IN THE 2ND FLOOR COURTROOM OF THE COURTHOUSE, WITH JUDGE KEVIN LITTY PRESIDING.

- CALL TO ORDER
- DISPOSITION OF MINUTES FROM PREVIOUS MEETING
- TREASURER REPORT
- COMMITTEE REPORTS: Personnel Committee and Budget Committee
- PRESENTATION:
- OLD BUSINESS
- NEW BUSINESS
 1. AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF OCTOBER TO THE SHERIFF'S DEPARTMENT 2023 BUDGET.
 2. AN ORDINANCE PROVIDING FOR AND ADOPTING A BUDGET FOR BAXTER COUNTY, ARKANSAS FOR THE PERIOD BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024.
 3. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$55,795.12 FROM THE EMPLOYEE LIABILITY FUND (#1805) INTO THE 911 AND SHERIFF'S OFFICE 2023 BUDGETS.
 4. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$225,000.00 FROM (#2003) ADD'L MOTOR FUEL TAX FUND INTO THE (#2003) ADD'L MOTOR FUEL TAX FUND 2023 BUDGET.
 5. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$8,462.00 INTO THE RECYCLING PROJECT (#1000) 2023 BUDGET.
 6. AN ORDINANCE TO AMEND THE ANNUAL OPERATING BUDGET FOR THE CALENDAR YEAR 2023, TO CORRECT A LINE ITEM IN THE (#1007) LATC OEM BUDGET.
 7. AN ORDINANCE TO APPROPRIATE SICK LEAVE PAYOUT FOR BAXTER COUNTY SALARY/EXEMPT EMPLOYEES FROM (#1805) EMPLOYEE LIABILITY FUND.
 8. AN ORDINANCE RE-APPROPRIATING FUNDS IN THE 2022 BUDGET, PREVIOUSLY AUTHORIZED IN ORDINANCE NO. 2021-49, FOR THE PURPOSE OF THE STATE MANDATED BUDGET CLEANUP.
 9. AN ORDINANCE ADOPTING REVISIONS AND ADDITIONS TO THE BAXTER COUNTY PERSONNEL AND BAXTER COUNTY SHERIFF'S OFFICE PERSONNEL POLICY MANUALS.
 10. A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF MARY NORGAARD AND SIDNEY EDELBROCK BY THE COUNTY JUDGE TO THE CLARKRIDGE VOLUNTEER FIRE DEPARTMENT BOARD OF COMMISSIONERS.
 11. A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF GENE CARSON, JAMES HIGGINS AND DAVID WITHERINGTON BY THE COUNTY JUDGE TO THE MIDWAY FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS.
 12. A RESOLUTION CONFIRMING THE APPOINTMENT OF DALE WHEELER BY THE COUNTY JUDGE TO THE HENDERSON VOLUNTEER FIRE DEPARTMENT BOARD OF COMMISSIONERS.
- ANNOUNCEMENTS: Roger Haley – CR 4
- ADJOURNMENT

APPROPRIATION ORDINANCE NO. 2023 - _____

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

AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF OCTOBER TO THE SHERIFF'S OFFICE 2023 BUDGET.

Article 1: Affirmation. This court affirms that the Baxter County Sheriff's Office has collected the following fees, reimbursements and donations in excess of the anticipated budgeted revenue amount in the month of October 2023:

\$ 97.50 received from DWI Fines from District Court
\$ 2,432.00 received from Act 770 Fees
\$ 2,225.19 received for Installment Fees
\$ 195.00 received for Animal Claim
\$ 75.00 received for VIN Checks
\$ 225.00 received Animal Adoption/Fees (cash)
\$ 55.00 received Reimbursement Court Ordered Restitution (Extradition-Prisoner Transport)
\$ 15.00 received Donation (cash)
\$ 8,601.25 received Sale of Vehicles
\$ 240.00 received Training & Education (Sheriff)
\$ 71.00 received Court Ordered Unclaimed Property (Per Judge) (Cash)
\$ 233.27 reimbursement Inmates' Medical
\$ 321.33 reimbursement Inmate Prescriptions (Sent from BXSO to Treasurer's Office)
\$ 40.00 reimbursement (check)
\$ 1,343.77 reimbursement (check)
\$ 398.40 reimbursement (check)

Article 2: Appropriation. It is necessary to appropriate said monies totaling **\$16,568.71** to the appropriate line items in the Sheriff's Office 2023 budget.

There is hereby appropriated from the 2023 County General Fund (#1000) **\$11,500.75** for the following designated expenditures:

\$ 2,507.00 to GL# 1000-0400-2001 (Sheriff: General Supplies)
\$ 152.50 to GL# 1000-0400-2007 (Sheriff: Fuel, Oil, & Lubricants)
\$ 8,601.25 to GL# 1000-0400-2023 (Sheriff: Parts & Repairs)
\$ 240.00 to GL# 1000-0400-3101 (Sheriff: Training & Education)

There is hereby appropriated from the 2023 Animal Control Fund (#1800) **\$475.00** for the following designated expenditures:

\$ 475.00 to GL #1800-0191-2001 (Animal Control: General Supplies)

There is hereby appropriated from the 2023 Sheriff's Special Projects Fund (#3400) \$2,296.19 for the following designated expenditures:

- \$ 71.00 to GL# 3400-0400-2001 (Sheriff's Projects – General Supplies)
- \$ 2,225.19 to GL# 3400-0400-3003 (Sheriff's Projects – Computer Services)

There is hereby appropriated from the 2023 County Jail Fund (#3401) \$2,296.77 the following designated expenditures:

- \$ 1,343.77 to GL# 3401-0418-2002 (Jail: Small Equipment)
- \$ 321.33 to GL# 3401-0418-2004 (Jail: Medicine & Drugs)
- \$ 398.40 to GL# 3401-0418-2005 (Jail: Food)
- \$ 233.27 to GL# 3401-0418-3006 (Jail: Med, Den & Hosp)

Article 3: Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 - _____

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

AN ORDINANCE PROVIDING FOR AND ADOPTING A BUDGET FOR BAXTER COUNTY, ARKANSAS FOR THE PERIOD BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024.

Article 1. Affirmation: ANNUAL BUDGET ADOPTED BY REFERENCE. The annual budget for calendar year 2024 identified as "2024 ANNUAL BUDGET, BAXTER COUNTY, ARKANSAS" dated December 5, 2023 is hereby adopted by reference. A copy of said budget shall be filed in the office of the Circuit/County Clerk and shall be available for inspection and copying by any person during normal office hours.

Article 2. Designation: NONRESTRICTED EXPENDITURE CATEGORIES. Expenditure of funds appropriated by this Ordinance shall not be restricted to the line item expenditure codes comprising the major categories of expenditures – Personal Services, Supplies, Other Services and Charges, Capital Outlay, and Debt Service – but shall be restricted to office/departmental expenditures within the above enumerated major categories of expenditures except for funds appropriated for personnel salaries and wages and related employee benefits. Personnel expenditures shall not exceed the dollar amounts, numbers of employees, and salary or wage rates specified in the annual budget or an amendment thereto.

Section 1. SALARIES & MERIT INCREASE/EMPLOYEE PERFORMANCE EVALUATIONS. Salaries for County employees are based on the grade assignments for various positions with designated salary ranges for each grade and the Grade Scale provides the hourly salary ranges for assigning hourly rates. The Personal Services Schedule of Salaries and Wages is attached. Employee performance evaluations must be completed (*Baxter County Code § 240.00*) prior to the anniversary of the employee's hire date before any merit increases authorized in this budget are awarded. Each Department Head is responsible for ensuring that requests for merit increases follow proper procedure, which includes the submission of a completed and signed *Notification of Personnel Action* form, with a satisfactory performance evaluation attached.

Section 2. EXPENDITURES RESTRICTED TO SPECIFIED FUND. No expenditure of appropriated funds shall be made from any fund other than the fund specified in this Ordinance, or an amendment thereto.

Section 3. TRANSFERS. Any transfers of monies between various funds of the County or between the major categories of expenditures – Personal Services, Supplies, Other Services and Charges, Capital Outlay, and Debt Service – shall be made only with prior approval of the Baxter County Quorum Court. Provided, however, all transfers budgeted for in the annual budget shall be exempt from the provisions of this section.

11.21.23

SECTION 6 - FY 2024 REVENUE FUND SUMMARY AND APPROPRIATIONS

FUND #	FUND TITLE	Expenditures			%	
		Revenues	(Appropriations)	Surplus		
1000	COUNTY GENERAL	\$				
1001	GENERAL RESERVE FUND	\$	14,218,600.00	\$ 12,915,991.35	\$ 1,302,608.65	91%
1004	COUNTY GENERAL INVESTMENTS	\$	1,734,319.38	\$ 42,000.00	\$ 1,692,319.38	2%
1005	CORONAVIRUS RELIEF FUND	\$	5,338,454.27	\$ 232,000.00	\$ 5,106,454.27	4%
1006	ARPA REVENUE REPLACEMENT FUND	\$	-	\$ -	\$ -	0%
1007	LATC FUND	\$	3,400,000.00	\$ 3,400,000.00	\$ -	100%
1800	ANIMAL CONTROL FUND	\$	200,722.76	\$ 200,722.76	\$ -	100%
1803	AVIATION RESERVE FUND	\$	181,642.00	\$ 178,530.16	\$ 3,111.84	98%
1805	EMPLOYEE LIABILITY FUND	\$	93,211.00	\$ -	\$ 93,211.00	0%
1900	E-WASTE GRANT FUND	\$	759,804.62	\$ 274,437.50	\$ 485,367.12	36%
2000	ROAD AND BRIDGE	\$	28,039.41	\$ 28,039.41	\$ -	100%
2003	ADD'L MOTOR FUEL TAX (Act 416 of 2019)	\$	5,192,000.00	\$ 4,749,044.66	\$ 442,955.34	91%
3000	TREASURER'S AUTOMATION FUND	\$	303,311.66	\$ 160,000.00	\$ 143,311.66	53%
3001	COLLECTOR'S AUTOMATION FUND	\$	287,000.00	\$ 69,000.00	\$ 218,000.00	24%
3002	CIRCUIT COURT AUTOMATION FUND	\$	881,100.00	\$ 416,000.00	\$ 465,100.00	47%
3004	ASSESSOR'S AMENDMENT NO. 79 FUND	\$	226,200.00	\$ 50,000.00	\$ 176,200.00	22%
3006	RECORDER'S COST FUND	\$	116,502.00	\$ 55,000.00	\$ 61,502.00	47%
3008	BAXTER COUNTY LIBRARY	\$	1,053,000.00	\$ 412,121.40	\$ 640,878.60	39%
3010	COUNTY CLERK'S COST FUND	\$	971,750.00	\$ 883,000.00	\$ 88,750.00	91%
3012	CHILD SUPPORT COST FUND	\$	4,657.00	\$ 300.00	\$ 4,357.00	6%
3016	BREATHALYZER FUND	\$	59,360.00	\$ 9,500.00	\$ 49,860.00	16%
3017	SPECIAL JAIL FEES	\$	10,291.00	\$ 6,711.17	\$ 3,579.83	65%
3018	COUNTY DETENTION FACILITY FUND (\$20 BOOKING ADMIN)	\$	11,350.00	\$ 7,000.00	\$ 4,350.00	62%
3019	BOATING SAFETY FUND	\$	25,786.00	\$ 5,000.00	\$ 20,786.00	19%
3020	EMERGENCY 911 FUND	\$	97,500.00	\$ 10,000.00	\$ 87,500.00	10%
3024	PUBLIC DEFENDER FUND	\$	944,973.00	\$ 831,015.07	\$ 113,957.93	88%
3028	DRUG COURT FUND	\$	66,388.00	\$ 42,282.57	\$ 24,105.43	64%
3031	JUVENILE PROBATION FEES	\$	9,102.00	\$ 6,000.00	\$ 3,102.00	66%
3039	CIRCUIT CLERKS COMMISSIONER'S FEE FUND	\$	116,650.00	\$ 31,930.75	\$ 84,719.25	27%
3042	ASSESSOR'S LATE ASSESSMENT FEE FUND	\$	25,805.00	\$ 6,000.00	\$ 19,805.00	23%
3400	SHERIFF'S PROJECTS	\$	14,020.00	\$ 10,000.00	\$ 4,020.00	71%
3401	JAIL MAINTENANCE & OPERATION FUND	\$	80,500.00	\$ 72,102.24	\$ 8,397.76	90%
3410	DRUG ENFORCEMENT FUND	\$	3,345,000.00	\$ 2,982,557.38	\$ 362,442.62	89%
3411	K-9 FUND	\$	11,850.00	\$ 7,041.00	\$ 4,809.00	59%
3505	BJA/DOJ FY21 14TH JUD. DRUG COURT FUND	\$	19,260.75	\$ 1,000.00	\$ 18,260.75	5%
4001	HEALTH DEPT BLDG CONSTRUCTION FUND	\$	40,000.00	\$ 34,965.00	\$ 5,035.00	87%
6009	LAW LIBRARY	\$	604,026.72	\$ 500,000.00	\$ 104,026.72	83%
	TOTAL	\$	16,687.00	\$ -	\$ 16,687.00	0%
		\$	40,488,863.57	\$ 28,629,292.42	\$ 11,859,571.15	71%

Article 3. Severability: If a provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

Article 4. Effective Date: This Ordinance, being necessary for the protection and preservation of public health and safety, an emergency is hereby declared to exist and this Ordinance shall be in force and shall take effect upon passage and publication.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Baxter County Budget Committee

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 –

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$55,795.12 FROM THE EMPLOYEE LIABILITY FUND (#1805) INTO THE 911 AND SHERIFF'S OFFICE 2023 BUDGETS.

Article 1. Affirmation: The County Judge is requesting funds in the amount of \$25,141.30 to be moved into the 911 Budget and funds in the amount of \$30,653.82 be moved into the Sheriff's Office Budget for the purpose of funding unexpected employee payouts in Personnel Services.

Article 2. Designation: There are funds available in the Employee Liability #1805 for said transfer.

Article 3. Transfer: The County Treasurer is hereby authorized to make the following transfers from Employee Liability Fund (#1805) in the amount of \$25,141.30 into 911 Fund (#3020) and \$30,653.82 into County General Fund (#1000)

Article 4. Appropriation: The IT Manager is hereby authorized to make the following appropriations:

- \$ 1,800.00 appropriated to #3020-0501-1006 (Social Security)
- \$ 23,341.30 appropriated to #3020-0501-1012 (Other Fringe Benefits)
- \$ 2,160.00 appropriated to #1000-0400-1006 (Social Security)
- \$ 28,493.82 appropriated to #1000-0400-1012 (Other Fringe Benefits)

Article 5. Effective Date: This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 –

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$225,000.00 FROM (#2003) ADD'L MOTOR FUEL TAX FUND INTO THE (#2003) ADD'L MOTOR TAX FUND 2023 BUDGET.

Article 1. Affirmation: It is necessary to appropriate funds in the amount of \$225,000.00 from (#2003) Add'l Motor Fuel Tax Fund into #2003 Add'l Motor Fuel Tax Fund 2023 Budget. The funds were received from a grant reimbursement for the Denton Ferry Road Bridge project and need to be appropriated for the extended paving on CR 1 (Denton Ferry Rd.)

Article 2. Appropriation: The Quorum Court authorizes the IT Manager to make the following appropriation into the designated line item:

\$ 225,000.00 to #2003-0200-3009 (Other Professional Services)

Article 3. Effective Date: This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 --

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$8,462.00 INTO THE RECYCLING PROJECT (#1000) 2023 BUDGET.

Article 1. Affirmation: It is necessary to appropriate funds in the amount of \$8,462.00 from (#1000) County General Revenue Fund into the Recycling Project 2023 Budget to reimburse funds from an insurance payment that was returned uncashed.

Article 2. Appropriation: The Quorum Court authorizes the IT Manager to make the following appropriation into the designated line item:

\$8,462.00 to #1000-0138-3053 (Fleet Insurance)

Article 3. Effective Date: This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE 2023-_____

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

AN ORDINANCE TO AMEND THE ANNUAL OPERATING BUDGET FOR THE CALENDAR YEAR 2023, TO CORRECT A LINE ITEM IN THE (#1007) LATC FUND OEM BUDGET.

Article 1. Affirmation: An affidavit for payment was paid out of the 2023 budget that should have been paid out of the 2022 budget which resulted in a deficit for the department budget.

Article 2. Designation: In order to correct the deficit, the line item needs to be increased by that amount, which is \$15,175.34.

Article 3. Appropriation: The IT Manager is hereby authorized to make the following appropriation to amend Ordinance #2022-71:

\$15,175.34 to GL #1007-0500-3009 (Other Professional Services)

Article 4. SEVERABILITY: If any of the provisions of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application, and to this end, the provisions of this Ordinance are declared severable.

Article 5. Effective Date: This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: _____

Date Adopted: _____

Votes: For: _____ Against: _____ Abstain: _____ Present: _____

ORDINANCE NO. 2023 - _____

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

AN ORDINANCE TO APPROPRIATE SICK LEAVE PAYOUT FOR BAXTER COUNTY SALARY/EXEMPT EMPLOYEES FROM (#1805) EMPLOYEE LIABILITY FUND.

Article 1. Affirmation. It has been determined by the Baxter County Personnel Committee that Sick Leave Payout for Baxter County Salary/Exempt Employees is necessary to reduce future liability for Baxter County and to meet Federal Labor Standards Act (FLSA) compliance requirements.

Article 2. Sick Leave Payout. Sick Leave Payout for Baxter County salary/exempt employees will be a one-time lump sum payment and will not be incorporated into the base pay of the employees for future salary adjustments. Sick Leave Payout is subject to all applicable employee payroll deductions. The calculation of Sick Leave Payout shall be filed in the office of the county clerk and kept available for public use, inspection, and examination pursuant to § 14-14-907(b).

Article 3. Appropriation. The Baxter County Quorum Court authorizes the Baxter County Treasurer to transfer \$194,290.41 from #1805 Employee Liability Fund to #1000 County General Fund and transfer \$90,613.33 from #1805 Employee Liability Fund to #2000 Road & Bridge Fund and authorizes the IT Manager to make the following appropriations:

\$17,006.00 to GL #1000-0100-1012
1,300.00 to GL #1000-0100-1006
7,719.95 to GL #1000-0101-1012
590.45 to GL #1000-0101-1006
20,319.43 to GL #1000-0104-1012
1,555.00 to GL #1000-0104-1006
4,018.30 to GL #1000-0111-1012
307.40 to GL #1000-0111-1006
22,017.60 to GL #1000-0115-1012
1,684.00 to GL #1000-0115-1006
5,356.48 to GL #1000-0140-1012
410.00 to GL #1000-1040-1006
18,067.74 to GL #1000-0151-1012
1,382.00 to GL #1000-0151-1006
25,679.66 to GL #1000-0400-1012
1,964.00 to GL #1000-0400-1006
38,606.40 to GL #1000-0415-1012
2,953.00 to GL #1000-0415-1006
1,096.20 to GL #1000-0419-1012

84.00 to GL #1000-0419-1006
18,137.80 to GL #1000-0500-1012
1,388.00 to GL #1000-0500-1006
2,459.00 to GL #1000-0900-1012
188.00 to GL #1000-0900-1006
84,174.33 to GL #2000-0200-1012
6,439.00 to GL #2000-0200-1006

Total \$284,903.74

Article 4. Legislative Intent. It is the intent of the Baxter County Quorum Court that the appropriations contained herein is to be used only for Exempt Employees Sick Leave Payout and associated payroll expenses.

Article 5. Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court and approval by the county judge in accordance with Arkansas Code Annotated § 14-14-907(f).

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed:_____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Budget Committee

Date Adopted:_____

Votes: For:___ Against:___ Abstain:___

Present:___ Absent:___

RE-APPROPRIATION ORDINANCE NO. 2023 - _____

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

AN ORDINANCE RE-APPROPRIATING FUNDS IN THE 2022 BUDGET, PREVIOUSLY AUTHORIZED IN ORDINANCE NO. 2021-49, FOR THE PURPOSE OF THE STATE-MANDATED BUDGET CLEAN-UP.

Article 1. Affirmation: Sufficient monies are available within various departments' 2022 budgets to be reallocated to departments where deficits exist; and

Article 2. Appropriation: The Baxter County Quorum Court authorizes the IT Manager to make the following re-appropriations for the purpose of the 2022 budget clean-up:

County Clerk (1000-0101)

363.46 from 1000-0101-1003 (Extra Help) to 1000-0101-1005 (OT & Other Prem)

County Treasurer (1000-0103)

47.02 from 1000-0103-1006 (Soc. Sec) to 1000-0103-1007 (Retirement)

Board of Equalization (1000-0106)

Funds from Maintenance Shop Budget will be used to clean up deficit.

27,700.00 from 1000-0151-2023 (Parts & Repairs) to 1000-0106-1004 (Contract Labor)

Veterans Services (1000-0800)

Funds from Judge's Office Budget will be used to clean up deficit.

1,137.38 from 1000-0100-1009 (Health Ins) to 1000-0800-1001 (Salaries)

Airport (1000-0900)

Funds from Judge's Office Budget will be used to clean up deficit.

2,532.89 from 1000-0100-1009 (Health Ins) to 1000-0900-1001 (Salaries)

1,395.94 from 1000-0100-1009 (Health Ins) to 1000-0900-1002 (Part Time Salaries)

1,074.72 from 1000-0100-1009 (Health Ins) to 1000-0900-1009 (Health Ins)

Article 3. Effective Date: This re-appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

ORDINANCE NO. 2023 –

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

AN ORDINANCE ADOPTING REVISIONS AND ADDITIONS TO THE BAXTER COUNTY PERSONNEL POLICY MANUAL AND TO THE BAXTER COUNTY SHERIFF'S OFFICE PERSONNEL POLICY MANUAL.

Article 1: Affirmation It has been determined by the Baxter County Personnel Committee that changes, additions and new upgrades in the Baxter County and Baxter County Sheriff's Office Personnel Policy manuals are necessary to improve the overall effectiveness and efficiency of Baxter County Government. Baxter County and Baxter County Sheriff's Office has provided evidence authorized by the Courts of Baxter County to Holiday Leave, Sick Leave, and FMLA Leave, within the Personnel Policy for Baxter County and Baxter County Sheriff's Office employees.

Section 1. The Baxter County Quorum Court hereby approves the changes and additions, as shown by attached Exhibit "A", updates and revisions to Holiday Leave, Sick Leave, and FMLA Leave, within the Baxter County Personnel Policy and are hereby approved and implemented.

Section 2. SERVERIBILITY CLAUSE. If any provision or section of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions and sections on the Ordinance and shall be severable.

Section 7. CODIFICATION. This Ordinance is to be codified in the Baxter County Code of Ordinances, §240.00, paragraph (1) and (2) and supersedes all previous Personnel Policies coded therein.

Article 2: Effective Date This Ordinance being necessary for the preservation of public peace, health, and safety, an emergency is hereby declared. This Ordinance shall be in full force and in effect from and after the date of its approval and passage.

Article 3: Emergency Clause An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval by the Baxter County Quorum Court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: Personnel Committee

Date Adopted: _____

Votes: For: _____

Against: _____

Abstain: _____

Present: _____

Absent: _____

"Exhibit A"



Baxter County

Proposed Personnel Policy Revisions

OVERVIEW

Sick Leave and FMLA Leave policies are proposed to revise due to sick leave accrual standards for non-exempt and exempt employees. In addition, a contradiction was isolated within the Holiday Leave policy. The proposed revision will eliminate confusion and ensure that all employees of Baxter County are accorded equal treatment.

REVISED: 500.02 Holiday Leave

The proposed revision will eliminate contradiction. The policy reflects that all Baxter County employees will be granted 11 paid holidays. Section IV reflects if an employee's regularly scheduled day off coincides with the day the County observes the holiday, the employee will not be eligible for holiday pay. It is recommended to eliminate this section completely.

REVISED: 500.04 Sick Leave

The proposed revision will add verbiage distinguishing sick leave benefits for non-exempt and exempt employees.

REVISED: 500.07 FMLA Leave

The proposed revision will add verbiage distinguishing FMLA leave as it pertains to non-exempt and exempt employees.



500.02 Holiday Leave

The County will be closed, and all County employees will be granted paid leave to observe the holidays listed below. Additional holidays may be proclaimed by the County Judge.

New Year's Day

Martin Luther King Jr. Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day

Christmas Eve

Christmas Day

(I) When a holiday falls on a Sunday, the following workday will be observed as a holiday. When a holiday falls on a Saturday, the preceding workday will be observed as a holiday.

(II) To receive holiday pay, employees must work the regularly scheduled workday before and the regularly scheduled workday following said holiday unless the time off before or after the holiday is an approved leave as detailed in the guidelines of this policy.

(III) An employee on an unpaid leave of absence will not receive holiday pay.

~~(IV) If an employee's regularly scheduled day off coincides with the day the County observes the holiday, the employee will not be eligible for holiday pay.~~

(V) Permanent full-time employees are due paid leave for holidays at a rate equal to their normal workday.

(VI) Seasonal or part-time employees are not eligible to receive paid holidays.



500.04 Sick Leave

Sick leave is paid time off work for a non-exempt employee or their immediate family who is sick or injured.

A non-exempt full-time employee of Baxter County shall accrue 20 working days per year of paid sick leave, accruing at the beginning of the month following 30 days of continuous full-time employment. Days will be converted to hours based upon the employee's regular work schedule and applied prorated per month. Non-Exempt Employees shall accumulate a maximum of ninety (90) working days of sick leave. Accrued sick leave shall not exceed 720 hours for 8-hour employees, 900 hours for 10-hour employees, and 1080 hours for 12-hour civilian employees.

If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any non-exempt employee who works for the County for five (5) consecutive years or longer and leaves for any purpose other than termination for cause, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

In the event of three consecutive absences where sick leave is utilized, a doctor's note may be required by the supervising elected official or department head.

Effective January 1, 2024

Any non-exempt employee hired on or after January 1, 2024, shall be compensated for their remaining sick leave at the below percentages at termination, unless terminated for cause.

1-4 Years: 0%

5-9 Years: 50%

10+ Years: 100%

Exempt employees do not accrue sick leave.



500.07 FMLA Leave

The County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available for both women and men.

(1) Employee Eligibility Criteria. To be eligible for FMLA leave, exempt or non-exempt employees must have been employed by the County for at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the 12-month period. All absence from work for covered military service is counted in determining an exempt or non-exempt employee's eligibility for FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) Qualifying Events for FMLA Leave. FMLA leave may be taken for any one, or combination of, the following reasons:

- Care of the exempt or non-exempt employee's child (*birth or placement for adoption or foster care*);
- Care of the exempt or non-exempt employee's spouse, dependent child, or parent with serious health condition;
- Serious health condition that makes the exempt or non-exempt employee unable to perform the essential functions of his/her job;
- A "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the exempt or non-exempt employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and
- Care of the exempt or non-exempt employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (*Exempt or Non-Exempt employees eligible for this type of leave may be eligible for up to 26 workweeks of leave, rather than the usual 12.*)

(3) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care at a medical facility, including any period of incapacity, or any subsequent treatment regarding such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a regimen of continuing treatment to resolve or alleviate the condition or treatment two or more times by a health care provider within 30 days of the incapacity. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.



- (4) Non-Exempt Employees. FMLA leave is unpaid leave. However, any non-exempt employee's available paid time off, including qualifying workers' compensation leave, sick, vacation, personal or compensatory time, will run concurrently with FMLA leave, until such leave is exhausted. Non-Exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once a non-exempt employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her FMLA leave.
- (5) Exempt Employees. After FMLA requirements are established, exempt employees will be eligible for FMLA-qualifying leave without losing FLSA exemption status and up to 12 weeks of employer paid leave will be allowed per rolling FMLA year. Subject to Elected Official approval, additional leave may be granted after 12 weeks, and exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once an exempt employee's paid benefits are exhausted, he/she will be in an unpaid status. All other FMLA restrictions apply.
- (6) An eligible exempt or non-exempt employee taking FMLA leave is entitled to up to 12 work weeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to more FMLA leave for other FMLA qualifying reasons, such as Americans with Disabilities Act (ADA).
- (7) FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness. Leave to care for a newborn or newly placed child may not be taken intermittently or on a reduced work schedule. If an exempt or non-exempt employee takes leave intermittently on a reduced work schedule basis, the employee must, when asked, try to schedule the leave so as to not unduly disrupt County operations. When an exempt or non-exempt employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the exempt or non-exempt employee is qualified and which better accommodates recurring periods of leave.
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- (8) A exempt or non-exempt employee shall request FMLA leave by completing required paperwork and submitting it to the employee's supervisor as soon as practicable. When leave is foreseeable, the employee must provide the County with at least 30 days' notice.
-
- (9) Before the exempt or non-exempt employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a return-to-work designation form located in the FMLA Notice of Eligibility and Right & Responsibilities paperwork. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may result in termination of employment.
-
- (10) The County will notify the exempt or non-exempt employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County



may request additional medical certification at the discretion of the elected County official. In addition, the County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the exempt or non-exempt employee has not notified the County of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify Human Resources and the Elected Official within two business days of the employee's return to work that the leave was for an FMLA reason.

(11) During FMLA leave, the County will continue an exempt or non-exempt employee's group insurance coverage under the same conditions as if the employee were working. An employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the exempt or non-exempt employee does not return to work for 30 days, the employee shall be liable to the County for repayment of insurance premiums paid by the County during the exempt or non-exempt employee's FMLA leave.

(12) Upon return from FMLA leave, the County will place the exempt or non-exempt employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an exempt or non-exempt employee is not entitled to reinstatement if, because of layoff, reduction in force, or other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees, who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An exempt or non-exempt employee returning to work must be able to perform the essential functions, with or without reasonable accommodation, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and employment terms. The County may require a fitness for duty report before allowing an employee to return to work. (29 C.F.R. 825.213(c)) An exempt or non-exempt employee who returns to work for at least 30 days is considered to have returned to work. An exempt or non-exempt employee who transfers directly from taking FMLA leave to retirement or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(13) The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement of any proceeding under or relating to FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

An eligible exempt or non-exempt employee shall be required to provide Human Resources and the Elected Official with periodic reports regarding the employee's status and intent to return to work when requested. If the employee gives the County notice of his/her intent not to return to work, the employee will be considered to have voluntarily resigned.

500.04 Sick Leave

Sick leave is paid time off work for a non-exempt employee or their immediate family who is sick or injured.

Civilian Employee:

Full-time non-exempt civilian employees (non-sworn) shall accrue 20 working days per year of paid sick leave, which shall be accrued in an even number of hours per month over a 12-month period of time. Paid sick leave for these employees will begin to accrue beginning of the month following 30 days of continuous full-time employment. (For the purpose of this section, a day means the normal work shift for the employee in question). Civilian employees may accumulate ninety (90) working days of sick leave. Days will be converted to hours based upon the civilian employee's regular work schedule and applied prorated per month. Accrued sick leave may not exceed 720 hours for 8-hour civilian employees, 900 hours for 10-hour civilian employees, and 1080 hours for 12-hour civilian employees.

In the event a non-exempt civilian employee changes their regular work schedule hours, the remaining sick hours will be converted to their new work schedule hours.

If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any non-exempt civilian employee who works for the Sheriff's Office for five (5) consecutive years or longer and leaves for any purpose other than termination for cause, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

Exempt civilian employees do not accrue sick leave.

Sworn Employee:

Full-time non-exempt Sworn Employees shall accrue 20 working days per year of paid sick leave, which shall be accrued in an even number of hours per month over a 12 month of time. Paid sick leave for these employees will begin to accrue at the beginning of the month following 30 days of continuous full-time employment. (For the purpose of this section, a day means the normal work shift for the employee in question) Full-time Sworn Employees may accumulate a maximum of ninety (90) working days of sick leave. Days will be converted to hours based upon the Sworn Employee's regular work schedule hours and applied prorated per month. Accrued sick leave may not exceed 720 hours for 8-hour Sworn Employees, 900 hours for 10-hour Sworn Employees and 1080 hours for 12-hour Sworn Employees.

In the event a non-exempt Sworn Employee changes their regular work schedule hours, the remaining sick hours will be converted to their new work schedule hours.

If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any non-exempt sworn employee who works for the Sheriff's Office for five (5)

consecutive years or longer and leaves for any purpose other than termination for cause, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

Exempt Sworn Employees do not accrue sick leave.

Effective January 1, 2024

Any employee hired on or after January 1, 2024, shall be compensated for their remaining sick leave at the below percentages at termination, unless terminated with cause.

1-4 YEARS 0%

5-9 YEARS 50%

10+ YEARS 100%

500.07

FMLA Leave. The County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available for both women and men.

(1) Employee Eligibility Criteria. To be eligible for FMLA leave, exempt or non-exempt employees must have been employed by the County at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the twelve 12-month period. All absence from work for covered military service is counted in determining an employee's eligibility for FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) Qualifying Events for FMLA Leave. FMLA leave may be taken for anyone, or a combination of, the following reasons:

- a. Care of the exempt or non-exempt employee's child (birth or placement for adoption or foster care).
- b. Care of the exempt or non-exempt employee's spouse, dependent child, or parent with a serious health condition.
- c. Serious health condition that makes the exempt or non-exempt employee unable to perform the essential functions of his/her job.
- d. A "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the exempt or non-exempt employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and,
- e. Care of the exempt or non-exempt employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (Employees eligible for this type of leave may be eligible for up to 26 workweeks of leave, rather than the usual 12.)

(3) "Serious Health Condition." An illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a health care provider. Generally, a serious health condition involving continuing treatment by a health care provider includes, but is not

limited to a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

- (4) Pay Status During FMLA Leave for Non-Exempt Employees. FMLA leave is unpaid leave. However, any available paid time off, including qualifying workers' compensation leave, sick, vacation, personal or compensatory time, will run concurrently with FMLA leave, until such leave is exhausted. Non-exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once a non-exempt employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her FMLA leave.

Pay Status During FMLS Leave for Exempt Employees. After FMLA requirements are established, exempt employees will be eligible for FMLA-qualifying leave without losing FLSA exemption status and up to 12-weeks of employer paid leave will be allowed per rolling FMLA year. Subject to the Elected Official's approval, additional leave may be granted after 12-weeks, and exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once an exempt employee's paid benefits are exhausted, he/she will be in an unpaid status. All other FMLA restrictions apply.

- (5) How Much FMLA Leave May be Taken. An eligible exempt or non-exempt employee taking FMLA leave is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an exempt or non-exempt employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 work weeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to more FMLA leave for other FMLA qualifying reasons, such as Americans with Disabilities ACT (ADA).

- (6) Intermittent or Reduced Work Schedule Leave. FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the exempt or non-exempt employee's or family member's illness. Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule. If an exempt or non-exempt employee takes leave

intermittently on a reduced work schedule basis, the exempt or non-exempt employee must, when requested, attempt to schedule the leave so as not to unduly disrupt County operations.

- (7) Notice. An exempt or non-exempt employee shall request FMLA leave by notifying their supervisor or elected official and requesting the FMLA forms. When leave is foreseeable, the exempt or on-exempt employee must provide the County with at least 30-days' notice.
- (8) Medical Certification. Before the exempt or non-exempt employee returns to work from FMLA leave for the exempt or non-exempt employee's own serious health condition, the exempt or non-exempt employee may be required to submit FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may lead to termination of employment.
- (9) Designation of FMLA Leave. The County will notify the exempt or non-exempt employee whether leave has been designated as FMLA leave and how much leave will be counted against the exempt or non-exempt employee's leave entitlement. The County may request additional medical certification at the discretion of the elected official. In addition, the County may provisionally designate the exempt or non-exempt employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the exempt or non-exempt employee's leave qualifies as FMLA leave. If the exempt or non-exempt employee has not notified the county of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the exempt or non-exempt must notify the County and the Elected Official within two business days of the exempt or non-exempt employee's return to work that the leave was for an FMLA reason.
- (10) Continuation of Benefits. During FMLA leave, the County will continue an exempt and non-exempt employee's group insurance coverage under the same conditions as if the exempt or non-exempt employee were working. An exempt or non-exempt employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the exempt or non-exempt employee does not return to work, the exempt or non-exempt employee may be liable to the County for repayment of insurance premiums paid by the County during the exempt or non-exempt employee's FMLA leave.
- (11) Return from FMLA Leave. Upon return from FMLA leave, the County will place the exempt or non-exempt employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An exempt or non-exempt employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an exempt or non-exempt employee is not entitled to reinstatement if, because of layoff, reduction in force, or other reasons, the exempt or non-exempt employee would

not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An exempt or non-exempt employee returning to work must be able to perform the essential functions, with or without reasonable accommodations, of the position the exempt or non-exempt employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms.

(12) FMLA Rights and Obligations. The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

The exempt or non-exempt employee shall be required to provide the County and the Sheriff's Office with periodic reports regarding the exempt or non-exempt employee's status and intent to return to work when requested. If the employee gives the Sheriff's Office notice of his/her intent not to return to work, the exempt or non-exempt employee will be considered to have voluntarily resigned.

RESOLUTION NO. 2023 - _____

A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF MARY NORGAARD AND SIDNEY EDELBROCK BY THE COUNTY JUDGE TO THE CLARKRIDGE VOLUNTEER FIRE DEPARTMENT BOARD OF COMMISSIONERS.

BE IT RESOLVED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

Section 1. The following members of the Clarkridge Volunteer Fire Department Board of Commissioners, having been re-appointed by the County Judge for a term of three (3) years to expire December 2026, are hereby confirmed by the Quorum Court:

MARY NORGAARD

SIDNEY EDELBROCK

Section 2. This resolution shall be in full force and effect from and after its passage and approval.

APPROVAL:

KEVIN LITTY, COUNTY JUDGE
Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: A - DeGroot JP-2

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

RESOLUTION NO. 2023 - _____

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF GENE CARSON, JAMES HIGGINS AND DAVID WITHERINGTON BY THE COUNTY JUDGE TO THE MIDWAY FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS.

BE IT RESOLVED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

Section 1. The following members of the Midway Fire Protection District Board of Commissioners, having been re-appointed by the County Judge for terms of three (3) years to expire November 2026, are hereby confirmed by the Quorum Court:

GENE CARSON

JAMES HIGGINS

DAVID WITHERINGTON

Section 2. This resolution shall be in full force and effect from and after its passage and approval.

APPROVAL:

KEVIN LITTY, COUNTY JUDGE
Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsors:

Date Adopted: D. Frank – JP#1, T. Albright – JP#6

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

RESOLUTION NO. 2023 - _____

A RESOLUTION CONFIRMING THE APPOINTMENT OF DALE WHEELER BY THE COUNTY JUDGE TO THE HENDERSON VOLUNTEER FIRE DEPARTMENT BOARD OF COMMISSIONERS.

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BAXTER, STATE OF ARKANSAS, THAT:

WHEREAS, a member of the Henderson Volunteer Fire Department Board of Commissioners, Larry Ivens, is unable to complete his three-year term on the Board.

Section 1. The Quorum Court hereby confirms the following person to complete the three-year term on the Henderson Volunteer Fire Department Board of Commissioners, set to expire October, 2026:

DALE WHEELER

Section 2. This resolution shall be in full force and effect from and after its passage and approval.

APPROVAL:

KEVIN LITTY, COUNTY JUDGE
Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK
Sponsor: R. Steiner – JP – 3
Date Adopted: _____
Votes: For: _____ Against: _____
Abstain: _____ Present: _____ Absent: _____