

**FILED**

JUN 28 2022

LESLI PENNY

COUNTY & PROBATE COURT CLERK

ORDINANCE NO. 2022 - 171

**AN ORDINANCE TO AMEND ORDINANCE 2014-3 UPDATING THE CRAIGHEAD COUNTY EMPLOYMENT POLICY FOR MILITARY LEAVE, AND FOR OTHER PURPOSES**

**WHEREAS**, the Quorum Court values their employees and emphasizes the County's commitment to their service members, and

**WHEREAS**, the Quorum Court understands the importance of retaining and hiring National Guard and Reservists and the treatment for adequate benefits, and

**WHEREAS**, the Quorum Court strives to advocate for the importance of the service veterans and active servicemen and women service members have provided Craighead County; and

**WHEREAS**, the Quorum Court seeks to foster an environment that is conducive for training and annual leave for service men and women members that are county employees, and

**WHEREAS**, the Quorum Court seeks to revise and modify their current Military Leave policy.

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

SECTION 1. That the Quorum Court shall modify Paragraph 13, Section B. Military Leave of the Craighead Employment Policy:

County employees who are members of the armed forces of this state or any other state, including without limitation the National Guard or a reserve component of the armed forces, shall be granted 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 calendar year until it totals fifteen (15) days at the beginning of a calendar year.

The leave shall be granted without loss of pay and in addition to regular vacation time.

Each employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.

7  
698

698

An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within ninety (90) days after the effective date of his or her release from active duty shall be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.

The right of reemployment shall conform with all federal government rules and regulations.

Personnel called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time.

During any military leave of absence, the employee shall preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which the employee has become entitled.

For purposes of computations to determine whether the person may be entitled to retirement benefits, the period of military service shall be deemed continuous service, and the employee shall not be required to make any contributions to any retirement fund.

The state shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

Whenever an employee is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under this section, the military leave shall accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of thirty (30) military leave days available in any one (1) calendar year or fiscal year.

Additionally, if employment is interrupted by a period of service, the employee must be permitted upon request to use any accrued vacation, personal, or similar leave with pay during the period of service, in order to continue his or her civilian pay. See 20 C.F.R. Section 1002.153. The employer may not require the employee to use accrued vacation,

personal, or similar leave during a period of service in the uniformed service. Arkansas Code Annotated Section 21-4-102, 21-4-103, and 21-4-212.

Emergency military call-ups are subject to the U.S. Selective Service Code for guaranteed reinstatement if call-up does not exceed eighteen (18) months. The County recognizes the commitment and responsibility of our employees to serve in the armed forces.

Accordingly, the County complies with all applicable laws concerning military leave.

The County complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military, and it provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services.

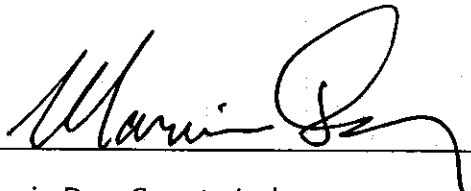
The County will grant a military leave of absence to employees who are required to miss work because of service in the United States uniformed services in accordance with USERRA. Employees must notify the County upon receipt of a notice that he/she will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable, and employees should provide the County with a copy of his/her official orders. When an employee receives notice that he/she will need a military leave of absence, please contact the Payroll Clerk for further information regarding employee's rights and responsibilities under USERRA.

SECTION 2. All other provisions of the County Employment policy shall remain in full force and shall not be modified by passage of this Ordinance.

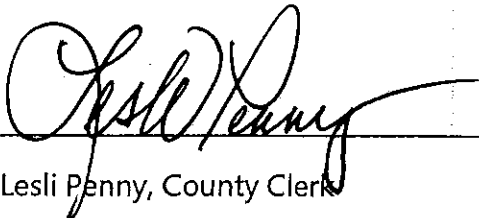
SECTION 3. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED on this 27 day of June, 2022.

APPROVED:

  
\_\_\_\_\_  
Marvin Day, County Judge

ATTEST:

  
\_\_\_\_\_  
Lesli Penny, County Clerk

"This publication was paid for by the Craighead County Clerk, cost of publication \_\_\_\_."