



WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, December 9, 2019
6:00 P.M.

Washington County Quorum Court Room

Vice-Chair Susan Cunningham
Judith Yanez
Lisa Ecke

Chair Butch Pond

Sam Duncan
Shawndra Washington
Sue Madison

A G E N D A

1. **CALL TO ORDER AND WELCOME**

2. **PRAYER AND PLEDGE**

3. **ADOPTION OF AGENDA**

At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added or removed from the agenda subject to approval of the Committee.

4. **AN EMERGENCY ORDINANCE SETTING HOLIDAY COMPENSATION FOR CERTAIN EMPLOYEES; AND, REPEALING ORDINANCE NO. 1993-36, ORDINANCE NO. 1994-03, ORDINANCE NO. 1995-38, AND ORDINANCE NO. 2012-71** Item 19-I-114 (4.1)

5. **AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR EMPLOYEE LEAVE** Item 19-I-127 (5.1)

6. **AN EMERGENCY ORDINANCE ADOPTING THE TAXABILITY OF CLOTHING/UNIFORMS POLICY FOR WASHINGTON COUNTY** Item 19-I-128 (6.1)

7. **PUBLIC COMMENT**

Twelve-minute comment period with a three-minute limit for each individual to comment on items on the agenda.

8. **ADJOURNMENT**

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ORDINANCE NO. 2019-

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

AN EMERGENCY ORDINANCE SETTING HOLIDAY COMPENSATION FOR CERTAIN EMPLOYEES; AND, REPEALING ORDINANCE NO. 1993-36, ORDINANCE NO. 1994-03, ORDINANCE NO. 1995-38, AND ORDINANCE NO. 2012-71.

WHEREAS, the Washington County Quorum Court, over the course of several years, passed various ordinances to address a special holiday pay system for essential County Employees; and

WHEREAS, the ordinances that were passed are confusing and ambiguous and are in need of reform; and

WHEREAS, these ordinances need to be repealed and a new, unambiguous and concise ordinance is needed.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Employees working in areas that must be staffed at all times (such as communications, jail, law enforcement, juvenile detention, and the animal shelter) shall comprise a separate classification of employees that do not receive time off for holidays.

ARTICLE 2. Employees in this classification shall accrue additional annual leave in lieu of holiday hours at the same rate as other similarly situated employees, but the additional leave hours will be purchased from said employees by the County from the holiday incentive line item. Employees who report sick the day before or after the holiday, or on the actual holiday itself, must attach a physician’s statement of need to their time card or forfeit the additional leave hours and resulting incentive pay.

42 **ARTICLE 3.** Washington County Ordinance No. 1993-36,
43 Ordinance No. 1994-03, Ordinance No. 1995-38, and Ordinance No. 2012-71 are hereby
44 repealed in their entirety.

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46 **ARTICLE 4. Emergency Clause.** It is hereby determined
47 that it is in the public's best interest for this ordinance to be effective immediately; and,
48 the general health, safety, and welfare of the citizens are affected by such for the reasons
49 as set out above; therefore, an emergency is declared to exist and this ordinance shall
50 be and is effective from the date of its passage.

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JOSEPH K. WOOD, County Judge

DATE

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BECKY LEWALLEN, County Clerk

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Introduced by: **JP Butch Pond**
Date of Passage:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Item 19-I-127

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ORDINANCE NO. 2019-

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

AN ORDINANCE ESTABLISHING THE COMPUTATION OF TIME USED FOR EMPLOYEE LEAVE.

WHEREAS, the Washington County handbook currently requires that holiday and leave time for employees be calculated at eight (8) hours per day; and,

WHEREAS, not all employees work a standard eight (8) hour daily shift; and,

WHEREAS, the Quorum Court needs to establish the way in which holiday and leave time shall be calculated for all employees.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Holiday and leave time shall be calculated based on the regular, non-overtime number of hours worked daily by an employee.

ARTICLE 2. Any ordinance in conflict herewith is hereby amended to reflect the changes made by this ordinance.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: **JP Butch Pond**

ORDINANCE NO. 2019-

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

AN EMERGENCY ORDINANCE ADOPTING THE TAXABILITY OF CLOTHING/UNIFORMS POLICY FOR WASHINGTON COUNTY.

WHEREAS, Legislative Audit has requested that Washington County adopt a policy regarding the taxability of clothing and uniforms purchased for employees with county funds; and,

WHEREAS, the County Comptroller has prepared a policy in conformance with state and federal law that should be adopted by the Quorum Court.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The Quorum Court hereby adopts the following Taxability of Clothing/Uniforms Policy for Washington County, Arkansas:

Overview

The purpose of this policy is to provide guidance on the taxability of providing clothing or uniforms to employees at County expense. The Internal Revenue Services (IRS) deems clothing to be a working condition fringe benefit and therefore, excludable from income, if certain conditions are met. This policy sets forth what is considered non-taxable clothing, the limits that apply, and the guidelines to follow based on the determining factors of the clothing.

Responsibility

Even though the Comptroller’s Office will strive to catch taxable purchases and violations of IRS law and County Policy, the primary responsibility for following IRS law and County policy and reporting taxable clothing lies with the Department. Only the department is in a position to know which employees are receiving taxable clothing associated with clothing purchase invoices. Any assessment to the County for payroll taxes from a taxing authority resulting from a department failing

42 to turn in the proper form will be charged to that department's budget.

43
44 **General Guidelines**

45 The acquisition of clothes or uniforms is considered an ordinary and necessary
46 business expense, and therefore excludable from income, if the articles of clothing
47 are required as a condition of employment **and** the clothing is not a type that is
48 adaptable or suitable for general usage. Non-taxable clothing may include
49 protective clothing, such as safety glasses, hard-hats, gloves, steel toed boots,
50 and other clothing included in the US Office of Safety and Health Administration
51 (OSHA) guidelines. There is no dollar limit on the clothing purchased assuming
52 the aforementioned criteria are met to qualify the clothing as non-taxable.

53
54 **Not Adaptable for General Use** - Other articles of clothing that are required to be
55 worn as a condition of employment and are not adaptable for general use include, but
56 are not limited to:

- 57 • Law enforcement patrol, Jail guard, Detention Center guard, Court uniformed
58 officer
- 59 • Firefighter uniforms
- 60 • Health Care Uniforms

61
62 **Adaptable for General Use** - Items (unless part of law enforcement patrol, jail guard,
63 detention center guard, uniformed courtroom guard) that are considered adaptable for
64 general use, and therefore taxable, even if required to be worn by the department,
65 include:

- 66 • Collared shirts (even if it includes County/Sheriff logo),
- 67 • T-shirts or sweatshirts (even if it includes County/Sheriff logo),
- 68 • Jackets or blazers (even if it includes County/Sheriff Logo),
- 69 • Hats (even if it includes County/Sheriff Logo),
- 70 • Jeans, cargo pants, tactical pants, or other pants or shorts
- 71 • Shoes or boots that are not steel toe
- 72 • Belts

73
74 **Please note – if the clothing is considered a job requirement but is also**
75 **adaptable for general use, the purchase (or the value if provided through a**
76 **uniform service; or the amount of the clothing allowance given) is**
77 **considered taxable.**

78
79 **Uniform Service** – If the clothing is considered adaptable for general use, the
80 value of the uniform service is taxable to the employee.

81
82 **Clothing Allowance** – If a clothing allowance for non-taxable clothing is provided,
83 the accountable-plan rules apply to require that the allowance be accounted for
84 with receipts and any excess returned to the County. Clothing allowances for
85 taxable clothing are taxable to the employee.

87 **De Minimis Exception** - Articles of clothing provided on an annual basis that are
88 equal to or less than \$50 will be considered de minimis. As a result, the article(s)
89 of clothing will not be reportable or taxable. For example, if a department buys
90 four T-shirts, each costing \$10, for one employee at separate times during the
91 year, the sum of the purchases will not be taxable since the aggregate amount for
92 the year is less than \$50 (total T-shirt cost for the year is \$40).

93
94 **Procedures**

95 Each department's bill approver or other designated person will have responsibility
96 for reporting taxable purchases for the department via the Employee Clothing Tax
97 Form to the Comptroller's Office as an attachment with the approved clothing
98 invoice. The value of taxable clothing will be added to the taxable income of the
99 employee paycheck.

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101 **Guidelines for Departments**

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103 **All Departments – Safety Equipment** – Steel-toe boots, safety glasses, hard
104 hats, work gloves, and other clothing included in the US Office of Safety and Health
105 Administration (OSHA) guidelines are all non-taxable to the employee.

106
107 **Sheriff/Jail/JDC/Court - Patrol/Guard Officers** – Uniforms provided, head to toe
108 including jackets, are all non-taxable.

109
110 **Sheriff/Jail/JDC/Court - Administrators/Supervisors/Detectives/Undercover**
111 – All non-patrol/guard uniform clothing provided is taxable to the employee,
112 whether or not County/Sheriff logo is applied.

113
114 **All Other Departments** – Clothing provided or amount of clothing allowance
115 given, whether or not the County logo is applied, is taxable to the employee,
116 including the value of uniform-service provided clothing, unless it is safety
117 equipment (which is non-taxable).

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119 **Inmate/Detainee/Court Diversion Program Clothing** – Non-taxable.

120
121 **Volunteer/Non-Employee Clothing** – Any clothing provided to volunteers at
122 County expense beyond safety equipment is considered taxable to the volunteer,
123 and a W-9 must be collected from the volunteer before issuing the clothing, and a
124 1099 shall be issued for the value of the clothing, if the amount accumulates above
125 \$600 for the year. No W-9 or Clothing Tax Form is required if the clothing given is
126 a one-time event whereby there is no chance the total for the year will be over
127 \$600.

128
129 **Related Links:**

130
131 **Quick Reference Guide for Public Employers**

132 <https://www.irs.gov/pub/irs-pdf/p5138.pdf>

133

134 Fringe Benefit Guide

135 <https://www.irs.gov/pub/irs-pdf/p5137.pdf>

136

137 IRS Publication 529 – Miscellaneous Deductions

138 <https://www.irs.gov/pub/irs-pdf/p529.pdf>

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140 **Article 2. Emergency Clause.** An emergency exists as this
141 policy needs to be in place beginning January 1, 2020. It is hereby determined that it is
142 in the public’s best interest for this ordinance to be effective immediately; and the general
143 health, safety, and welfare of the citizens are affected by such for the reasons as set out
144 above; therefore, an emergency is declared to exist and this ordinance shall be and is
145 effective from the date of its passage.

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JOSEPH K. WOOD, County Judge

DATE

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BECKY LEWALLEN, County Clerk

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157 Introduced by: **JP Butch Pond**

158 Date of Passage:

159 Members Voting For:

160 Members Voting Against:

161 Members Abstaining:

162 Members Absent: