

EMPLOYMENT LAW

What authority do individual council members have to supervise personnel matters and other day-to-day operations of the city?

The council may set policy on employment matters, departmental operations, and so forth. However, the law gives power to the council as a body. As such, the council has no power to act until a majority of council members have voted to take an action. See Ark. Code Ann. § 14-55-203. Thus, individual council members are without authority to act on their own in the absence of a vote directing a particular action. (For example, a committee including an alderman could be directed to perform research on certain items, but an individual council member does not alone have authority to direct an employee to perform a task in a certain way).

Council members should also be aware that they are not individually immune from lawsuits arising from personnel issues. Individual aldermen are immune from liability for action that is “legislative,” such as passing ordinances or resolutions. This immunity does not apply, however, to administrative or executive action such as making individual personnel decisions or supervising city employees or department heads. Although a council as a whole is not prohibited from making hiring and firing decisions, for example, the council should weigh the risk of personal liability against the perceived need to make individual personnel decisions.