



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF STATE PROCUREMENT
Marketing and Redistribution

6620 Young Road
Little Rock, Arkansas 72209
Phone: (501) 565-8645
Fax: (501) 565-5059
<http://www.arstatesurplus.com>

May 7, 2014

Rick Downing
1 Cape Cod Court
Little Rock, AR 72212

Dear Mr. Downing

I am writing to update you with regard to the Family and Medical Leave Act (FMLA). Under FMLA, you are entitled to 480 hours of unpaid leave during the calendar year. I need to remind you that the 480 hour FMLA application was exhausted on Monday, May 5, 2014.

Because there are no other leave options available, you are expected to return to work at 7:20am, May 7, 2014. As discussed yesterday, we agreed to adjust the schedule of the position until May 30, 2014, to allow time for you to get a release from your doctor that you can work at full capacity. Starting today, you will work Monday–Thursdays primarily handling every aspect of the web including selecting and staging items to photograph, moving item(s) to a secure location and assisting customers in loading property after a sale. This also includes physically packaging items to be shipped daily via UPS or truck freight. Each Wednesday (during the morning rush) you will assist customers in loading property purchased from our “retail” store and relieve fellow employees during their lunch break. Every Friday until June 2, 2014, your primary responsibilities will be working in the warehouse and processing surplus property. This involves driving trucks to the pick-up location, physically loading and unloading property upon return to the warehouse, processing, tagging, warehousing the property, assisting with unloading, processing, tagging and warehousing agency’s property that is delivered to M & R, and performing all job tasks necessary as outline in the job classification and your performance evaluation. The physical requirements of all of these tasks include, but are not limited to squatting, bending, lifting, pulling, pushing anywhere from 1-100 pounds, or whatever physical activity the specific situation requires.

Also as discussed yesterday, beginning June 2, 2014, this position will require one week of primarily web duties and responsibilities, followed by a week of primarily warehouse responsibilities. This is subject to change at my discretion based on the needs of the warehouse.



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Also as discussed yesterday, beginning June 2, 2014, this position will require one week of primarily web duties and responsibilities, followed by a week of primarily warehouse responsibilities. This is subject to change at my discretion based on the needs of the warehouse.

You are to provide a "fit for duty" statement from your doctor stating you are able to return to work and perform all essential job duties. Unfortunately, there is not "light duty" work available in the essential functions of this position. You must provide a "Release to Work" statement from your doctor stating you are fit for duty at full capacity as of May 30, 2014.

In the event your doctor does not give you a full (unrestricted) "Release to Work" statement, your employment with the Arkansas Department of Finance and Administration will be terminated.

Sincerely,

A handwritten signature in blue ink that reads "David W. Justice".

David W. Justice, Manager
DF&A – Marketing and Redistribution
6620 Young Road

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In the event your doctor does not give you a full (unrestricted) "Release to Work" statement, your employment with the Arkansas Department of Finance and Administration will be terminated.

Sincerely,



David W. Justice, Manager
DF&A – Marketing and Redistribution
6620 Young Road
Little Rock, AR 72209

REVISION to MEMO

Today (05/20/2014) you notified Bob that your doctor's office has contacted you, changing your May 29, 2014 appointment to June 4, 2014. I have agreed to extend this time following the same provisions addressed in this memo, especially paragraph four (4) above however, with the revised date from May 30, 2014 to June 5, 2014.