CITY OF PINE BLUFF
NON-UNIFORMED
EMPLOYEE HANDBOOK

Updated 12/2015

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SECTION 1

INTRODUCTORY STATEMENTS

INTRODUCTION

This handbook has been prepared to acquaint you with the employment policies of the City of Pine Bluff and to provide an understanding of our expectations so that we may work effectively together. This handbook replaces any and all previous employee handbooks, policies and procedures, benefit statements, and memoranda, whether written, oral or established by practice.

This handbook does not constitute as an employment contract or guarantee and should not be viewed as a total statement of the policies of the City of Pine Bluff. Instead, it is a general guide to some of the important employment practices and policies. The employee is an “at will” employee, which means either the employee or the City of Pine Bluff may terminate the employment relationship, for any reason or for no reason. Please consult the Human Resources Department if you have any questions concerning your employment.

The City of Pine Bluff reserves the right to supplement, modify, or eliminate employment policies described in the handbook in order to meet the needs of our employees or our organization.

The Employee Handbook is provided as a guide and a reference for information concerning your employment with the City of Pine Bluff. Please read this handbook carefully and keep it for reference. Updates will be provided to you periodically to include in your handbook.

1.1 POLICY STATEMENTS

Policy Statements

Purpose
This manual is created for the sole purpose of providing information to management, supervisors, and employees in non-uniformed positions regarding the current policies, procedures, practices, benefits and other matters. It is not practical or possible to have a policy, procedure, or guideline to cover every conceivable situation, therefore, these policies, procedures and guidelines are not intended to be all-inclusive and shall not prevent, limit, or interfere with management's exercise of its rights and responsibilities as deemed necessary and appropriate.

Intent
This manual is not intended to be, and shall not be construed as, a contract of employment, promise, or a limit on the right of the City of Pine Bluff (hereafter called "the City") to revise or promulgate new policies, procedures, practices, benefits or other items and conditions of employment with regard to non-uniformed employees. Federal and State mandated policies and the procedures for carrying them out that are contained herein will change to comply with any changes made in the federal law or regulations governing them. Other policies contained herein are subject to change at any time as directed by the Mayor and/or the City Council. Revisions to the procedures to effect or implement the policies adopted herein may be made at any time it is necessary and advisable to do so.

Employment At Will
The City or the employee may terminate the employment relationship at any time for any reason, with or without notice.

Policy Establishment and Revisions
The Mayor, as the Chief Executive Officer of the City, is responsible for the administration of the day-to-day operations of the City government. As such, he has authority to issue Executive Orders establishing new or revised policies and procedures when necessary to more effectively and efficiently promote the interest of the City and its employees. The Human Resources Director is authorized and directed to interpret, develop, and implement necessary procedures and regulations to ensure the efficient administration of these policies. These policies will be reviewed and updated periodically. Any requests for additions or changes to this manual must be submitted to the Human Resources Director in writing.

Policy Enforcement
Each department head is responsible for enforcing these policies and procedures. Department heads are also authorized to establish, communicate and enforce written and unwritten operational policies, procedures, and practices to ensure the efficient, safe, day-to-day operations of their respective departments to the extent that they do not conflict with these policies and procedures, federal, state or local laws.

Employee Responsibility
Employees are responsible for complying with the policies herein for conforming to the directions, procedures and practices provided by departmental management in the fulfillment of these policies. Employees failing in this responsibility may not claim lack of knowledge as an excuse for performance deficiency or misconduct. Employees who fail to comply with the policies and procedures contained herein, Executive Orders, management's oral and written directives or who commit other serious acts of misconduct are subject to disciplinary action, including discharge.

Dissemination
All current non-uniformed City employees and their supervisors shall be informed of the existence of these policies and procedures and will be provided with a copy. Each department head shall ensure that each division, section, or work site keeps one copy of the policies available for employee reference. One management person in each department shall be designated to be responsible for maintaining a current copy for employee reference.

Department heads (or their authorized designates) are responsible for communicating and disseminating policies, procedures, rules, regulations and practices, whether written or unwritten, to their department's employees and for ensuring that they understand their responsibility to comply with them.

Employees receiving written City or departmental policies, rules and regulations, procedures, practices and any other documents must provide a signed acknowledgement receipt. Signing an acknowledgement does not indicate that the employee necessarily agrees with the document they receive. Refusal to sign an acknowledgement shall not excuse the employee from compliance with any policy, procedure, practice, correction action directive, or any other terms and conditions of employment. If an employee refuses to sign an acknowledgement, a written notation shall be placed on the acknowledgement to include the date and time the employee was provided a copy of the document along with a note that the employee refused to sign a receipt. The written note shall contain the supervisor's signature and that of a witness, if one is available. This will be verification that the employee has received the document. The department head shall submit the original copy of all acknowledgements to the Human Resources Department for retention in the employee's personnel file. Employees who refuse to comply with lawful requests from their supervisor or department head to sign acknowledgements of receipt for documents may subject themselves to disciplinary action for insubordination.

Management Authority
By compiling and providing these policies and procedures the City does not relinquish its responsibility to operate City government in an efficient, effective manner, and retains full right and responsibility to direct the operations of City departments in accordance with federal, state and local statutes, ordinances, regulations, decrees, and any written or unwritten policies, rules, regulations, procedures, practices and directives. Nothing contained in this policy manual shall restrict any of the usual management rights of City government, which include, but are not limited to, the right to:

- Plan, direct, control, increase, decrease, combine or discontinue, in whole or in part, any position, section, unit, division, or department of Pine Bluff City government;
- Determine the scope, objectives and services for each department;
- Introduce or change the type of services or types of work to be performed;
- Introduce or change the processes, procedures, methods, techniques of how service is to be delivered or work is to be performed;

- Introduce or change equipment facilities, assign equipment, work duties, and location of work;
- Establish and enforce written or unwritten policies, procedures, practices or guidelines governing operations, as well as the standards of conduct, attendance, or other terms and conditions of employment that are, or become necessary;
- Determine the number of employees and the job classifications necessary for existing positions that may be created in the future; increase or reduce the number of shifts, shift schedules and/or number of hours worked by employees;
- Hire, assign, reassign, transfer, promote, lay off or recall employees as needed;
- Discipline employees including discharge;
- Assign duties and regular overtime work in accordance with departmental needs;
- Establish standards of job performance and to make periodic performance revisions and evaluations;
- Establish and revise classifications and accompanying pay grades, job descriptions, hourly, weekly, bi-weekly and monthly pay systems; automated processes or operations;
- Contract for goods, equipment or services; and
- Act as necessary to properly carry out the activities and operations of all City departments so long as such actions are not in conflict with any federal, state or local statutes or ordinances.

1.2 TECHNOLOGY USE AND PRIVACY POLICY

Technology and Privacy Policy

The City provides various technology resources to employees to assist them in performing their job duties. Each employee has a responsibility to use these resources in a manner that increases productivity, enhances the city's public image, and is respectful of other employees. Failure to follow the City's policy regarding its technology resources may lead to disciplinary measures, up to and including termination of employment. In addition, the city has the right to advise the appropriate legal authorities of any violation of law by an employee.

1. Technology resources defined.

As used in this policy, "technology resources" consist of all electronic devices, software, computers and workstation; lap-top computers, mini and mainframe computers; personal hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers' computer software applications and associated files and date, including software that grants access to external service, such as the Internet; electronic mail; telephones; cellular phones; and voicemail systems.

2. Authorization

Access to the city's technology resources is within the sole discretion of the city. Generally, employees are given access to the various technologies based on their job functions. Only employees whose job performance will benefit from the use of the city's technology resources will be given access to the necessary technology. Access may also be restricted until or unless an employee completes necessary training on the technology.

3. Use

Technology resources are to be used by the employee only for the purpose of conducting city business. Employees may, however, use the city's technology resources for the following incidental personal uses so long as such does not interfere with the employee's duties, is not done for monetary gain, does not conflict with city business, and does not violate any city policy:

(A) To send and receive necessary and occasional personal communications;
(B) To prepare and store incidental personal data (such as personal calendars; personal address lists, and similar incidental personal data) in a reasonable manner;
(C) To use the telephone system for brief and necessary personal calls; and
(D) To access the Internet for brief personal searches and inquires during meal times or breaks, or outside of work hours, provided that employees adhere to all other usage policies.

The city assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data communications transmitted over or stored on the city's technology resources. The city accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any city property. The city strongly discourages employees from storing any personal data on any of the city's technology resources.

4. Improper Use

A. Prohibition Against Harassing, Discriminatory and Defamatory Use - The city is aware that employees use electronic mail that is less formal than written memoranda. Employees must remember, however, not to let informality degenerate into improper use. As more fully set forth in this Handbook, the city has a policy against unlawful harassment and discrimination and will not tolerate such conduct. Under no circumstances may an employee use the city's technology resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually-explicit or racial messages, jokes or cartoons).

B. Prohibition Against Violating Copyright Laws – Employees must not use the city's technology resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

C. Other Prohibited Uses – Employees may not use the city's technology resources for any illegal purpose, violation of a city policy, in a manner contrary to the best interests of the city, in any way that discloses confidential information, for political campaigns, or for personal or monetary gain.

5. City Access to Technology Resources

A. General Rule – All messages sent and received, including personal messages, and all data and information stored on the city's electronic-mail system, voicemail system, or computer systems are city property regardless of the content. **As such, the city reserves the right to access all of its technology resources including its computers, voicemail, and electronic-mail systems, at any time, in its sole discretion.**

B. Privacy – **Employees have no right of privacy with respect to any messages or information created or maintained on the city's technology resources, including personal information or messages. The city may, at its discretion, inspect all files or messages on its technology resources at any time for any reason. The city may also monitor its technology resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other purpose deemed necessary.**

C. Passwords – Some of the city's technology resources may be accessible only by password only. Passwords are intended to prevent unauthorized access of information. **Passwords do not confer a right of privacy upon any employee of the city, including the holder of the password. Employees are cautioned that they must not expect that any information maintained on the city's technology resources, including electronic-mail and voicemail messages, which may only be accessed by password, are private.** Employees are expected to keep passwords confidential and should not share them with other persons. Employees should not access co-workers' systems without express authorization.

D. Deleted Information – Deleting or erasing information, documents, or messages maintained on the city's technology resources is, in most cases, ineffective. Information kept on the city's technology resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. The city regularly backs-up files and messages, and files and messages may exist that are thought to be deleted. **Employees who delete or erase information or messages should not assume that such information or message is confidential.**

6. Internet and Electronic – Mail Policy

A. Use – Employees provided with Internet access and electronic mail via the city's technology resources are expected and required to do so in a responsible manner, and for work related purposes only.

Improper use of the Internet and electronic mail includes, but is not limited to, the following:

- Use which is illegal, which is contrary to and violates city policies or its best interests.
- Use which disclosures or leads to the disclosure of confidential or proprietary information.
- Use of electronic mail, chat rooms or other Internet devices that is defamatory or offensive in any way, including, but not limited to, racially or sexually charged messages, jokes or cartoons.
- Use of internet sites which may damage or interfere with the city's computer network, including use that generates the delivery of "junk" electronic mail.
- Use that violates copyright laws.
- Personal use, or use that is not work related, unless it is under section 1.2 part 3d.

Improper use of the Internet or electronic mail may lead to discipline, including discharge from employment.

B. No right of privacy – **Employees have no right of privacy, nor any expectation of privacy, with respect to any aspect of their use of the Internet or electronic mail while on the city's premises, or when accessing the Internet or using electronic mail at work or remotely via the city's technology resources. The city reserves the right to, at any time, without limitation, monitor an employee's use of the Internet when accessed via the city's technology resources or while on the city's premises, including monitoring Internet sites visited, the number of times those sites are visited, and the time connected to each site.**

C. Scanning/Saving Items/Confidential Materials -- No item shall be downloaded or uploaded to the Internet, or attached to electronic mail, unless first scanned for viruses and determined to be free of virus. Downloaded materials should be saved to a disk and not on the computer's hard drive. Confidential materials should be sent via protective measures only.

D. Monitoring -- The City monitors both the amount of time spent using on-line services and sites visited by individual employees. The City reserves the right to limit such access by any means available to it, including revoking access altogether.

7. Software Use

A. License Restrictions -- All software in use on the city's technology resources should be officially licensed software. Software not paid for and licensed inappropriately should not be used. An employee should not load software on a city computer unless authorized to do so by management and the software is scanned and determined free of viruses.

B. Confidential Information – The City is sensitive to the protection of confidential information. Employees are expected to use good judgment and adhere to the highest ethical standards when using or transmitting confidential information on the City's technology resources. Confidential information should not be accessed in front of unauthorized persons or left visible or unattended. Confidential information transmitted via the City's technology resources should be marked as "CONFIDENTIAL" and request that any recipient who receives the information in error to contact the sender immediately.

8. Security Or Other Protective Measures

No unauthorized employee or person shall disengage, bypass, or disable any security or protective measure in the city's technology resources, nor aid or abet such conduct. Doing so will lead to the employee being disciplined, which may include termination.

9. Freedom of Information/Deletion of Files

Employees are reminded that documents maintained or created in the ordinary course of performance of their duties constitute public records and may be subject to public inspection under the Arkansas Freedom of Information Act.

An employee should not delete work-related files from a computer, or dispose of disks where files are stored, without management approval.

SECTION 2

EQUAL EMPLOYMENT
&
SEXUAL HARASSMENT
POLICIES AND PROCECURES

2.1 EQUAL EMPLOYMENT

The City of Pine Bluff is committed to fair and equal opportunity in employment and service delivery regardless of race, color religion, gender, age, disability, national origin or veteran status. This policy statement reinforces and communicates that commitment to employees.

The City assures and extends equal employment opportunity in every department of City government with regard to the establishment and application of human resources policies and procedures that include: recruitment, selection, promotion, transfer, reclassification, lay-off and recall, training, disciplinary action, procedures and any other benefits, terms and conditions of employment.

The City condemns and expressly prohibits any form of discrimination or harassment based on race, color, religion, gender, age, disability, national origin, or veteran status. The City requires a work environment for every employee that is free of any form of discrimination or harassment and complies with all applicable Civil Rights laws, regulations or Executive Orders.

The responsibility for coordination of equal opportunity policies, programs and employment practices within the City has been assigned to the Human Resources Director.

The City expressly prohibits any form of retaliation against employees for exercising their Constitutional or statutory rights, for utilizing the City's Complaint Resolution Procedure or for participating in any lawful investigation. All charges of retaliation will be taken seriously, promptly and thoroughly investigated with the appropriate action(s) taken. Violators are subject to disciplinary action, including discharge.

Improper interference with the ability of the City's employees to perform their job duties will not be tolerated. Violations subject the offender to disciplinary action, including discharge.

Complaint Procedure

If a person believes they have been excluded from participation in, denied the benefits of, or subjected to discrimination based on race, color or national origin under any of the City of Pine Bluff's Programs or benefits, they may file a complaint with the Director of Human Resources. You are encouraged to make your complaint in writing, including the following information:

- How, why, when, where and by whom you believe you were discriminated against, including the location;
- Names and contact information of any witnesses;
- Your name, address and contact information.

Additionally, you must sign your letter of complaint.

All complaints will be investigated promptly. Reasonable measures will be undertaken to preserve any information that is confidential. The Director of Human Resources will review every complaint, and when necessary, assign a neutral party to investigate. Upon completion of the investigation, the Director of Human Resources will provide a copy of the final report to the

Mayor and any department head whose department the complaint was filed against. The investigation report and final report should take no longer than 25 business days.

Programs receiving federal financial assistance, such as Transit, must provide notice with regard to planned program changes (i.e. route and/or service hour changes). Complaints regarding the Transit Department may also be filed with the Federal Transit Administration's (FTA) Office of Civil Rights no later than 180 days after the date of the alleged discrimination at FTA Region VI, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102.

Limited English Proficiency Policy Statement

Title VI and its implementing regulations require that FTA recipients take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP).

To that end, the City of Pine Bluff will assist persons of limited English proficiency (LEP) by providing avenues to obtain assistance in interpretation of its policy and programs.

2.2 SEXUAL HARASSMENT

Sexual Harassment

Purpose

Harassment on the basis of sex is recognized as a form of sexual discrimination and is in violation of the law and City policy. Sexual harassment in any form, by any city elected official, board or commission member, supervisor, department head, employee or other person having business with the City, is unlawful and prohibited. In an effort to communicate the seriousness of such offenses and to prevent such conduct, the sexual harassment policy is hereby established.

Sexual Harassment Defined

Sexual Harassment is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- submission to such conduct is made or either explicitly or implicitly a term or condition of employment;
- submission to, or rejection of, such conduct is used as the basis for decisions affecting an individuals employment; or
- such conduct, has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

Responsibility to Prevent and/or Correct

The City of Pine Bluff

The City is responsible for, among other things:

- the acts of its management and supervisory employees, and its agents with respect to sexual harassment;
- the acts of sexual harassment by fellow employees where the City knows or should have known of the conduct unless it can show that it took immediate and appropriate corrective action;
- the acts of sexual harassment by other persons on City business or others with access to the work place where the City knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

Department Management

Each crew leader, supervisor, department head or any other level of management is responsible for creating and maintaining an atmosphere free of sexual harassment or discrimination. Each department head is responsible for taking appropriate disciplinary action at the time any such instances became known to them.

Employees

Each employee has a responsibility to respect the dignity and rights of all persons prohibited from engaging in any form of sexual harassment or discrimination. Employees experiencing any form of sexual harassment should firmly and clearly tell the person committing the harassing conduct that it is unwelcome, offensive and should stop at once.

Employees experiencing or witnessing sexual harassment are required to report it promptly to their department head or the Human Resources Director so that appropriate action may be taken by the City to stop the offense(s).

Complaint Procedures

It is extremely important that incidents of sexual harassment be investigated promptly. Employees experiencing sexual harassment are requested to report it within three (3) working days following the occurrence to their immediate supervisor or department head, or if for some other reason the employee is not comfortable reporting sexual harassment to his/her supervisor or department head, the employee may make the complaint report directly to the Human Resources Director .

Investigations

A. All complaints of sexual harassment will be thoroughly investigated. During the investigation, every effort will be taken to establish the true and correct facts involved in the claim.

A timely resolution of each complaint will be reached and communicated to the employee and the other parties involved. The investigation will be conducted by the employee's department head, or by the Human Resources Director, who may at his or her discretion obtain a third-party investigator if necessary.

B. Written or verbal statements may be taken from the complainant, the accused, and any other persons with knowledge pertinent to the claim of sexual harassment. All employees have a responsibility to cooperate fully with the investigation of a sexual harassment complaint.
C. Employees are expected to be completely truthful, candid, and to otherwise cooperate fully with request for informative evidence that is made by any authorized city official or individual conducting a lawful investigation into sexual harassment or any other type of misconduct.

An employee should report harassment or suspected harassment immediately to their supervisor, department head, or Director of Human Resources. This complaint should be in writing, setting forth all pertinent facts. All communication concerning the complaint will be

confidential, and provided only to those employees and legal council or Administration Committee on a need-to-know basis.

No employee, supervisor, department head or official shall threaten or insinuate either explicitly or implicitly, that he or she has the right or authority to offer any benefits, including, but not limited to, tangible items, whether business related, such as raises or promotions, or non business related, such as gifts, trips, or any other item, in exchange for sexual favors. An employee receiving such an offer should immediately report it to the department head, or if the accused is the department head, the Human Resources Director.

It is every employee's and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however harassment or suspected harassment has or is taking place the following applies:

A. An employee should report harassment immediately to the department head. If the department head is the alleged harasser or if the complainant reasonably believes that reporting the conduct to the department head will be unavailing, then the complaint should be reported to the Human Resources Director. Complaints should be in writing.

B. Any employee who has knowledge of harassment shall inform the department head, or if the department head is the alleged harasser or the employee believes that reporting the conduct to the department head will be unavailing, then inform the Human Resource Director in writing. Department heads should actively monitor workplace conduct for potential harassment in the workplace.

C. Each complaint shall be fully investigated. A determination of the facts and appropriate action will be made on a case-by-case basis. Investigations will be conducted in an impartial and objective manner. Investigations of Officials will be performed by the Internal Affairs Division of the Police Department, or where that is impractical or objected to by either the complainant or the accused party, by an independent party or agency not a part of city government. The investigation findings and recommendations shall be produced in writing and provided to the complainant, accused party, Mayor and Human Resources Director. To the extent allowable by law, confidentiality will be maintained during the investigation process.

All city employees have an affirmative duty to cooperate in the investigation of complaints. Failure or refusal to cooperate in an investigation shall subject an employee to disciplinary action, including termination.

The City of Pine Bluff will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action, including termination, will be taken against offenders who are employees. Officials may be subject to censure by the City Council.

Confidentiality

Investigations will be conducted in a confidential manner. However, all complaints require investigation and fact finding. Employees involved in such investigations are required to maintain the privacy and confidentiality of matters directly related to the investigation and may not reveal information which they receive during the investigation. Discussing information related to an investigation with persons other than the authorized investigator(s) is prohibited as it may compromise the integrity of the investigation.

Falsifications or Obstructing the Investigation

The question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination following a thorough investigation.

Given the nature of this type of discrimination, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Employees making complaints and all parties involved in an investigation are required to be truthful and cooperative in providing all information and evidence requested by the investigator(s) to ensure thorough and complete fact-finding while the investigation is taking place. If the investigation determines that the complaint was false, or false information is provided by any employee during the investigation(s) to determine the true facts of the complaint, disciplinary action, including discharge, will be taken.

Corrective Action

Any employee determined to have engaged in sexual harassment or discrimination, or who is found to have violated any other provision(s) of this policy, is subject to appropriate corrective action, including discharge.

2.3 HARASSMENT

Harassment

All city employees must be treated equally in their terms and conditions of employment. The harassment of any employee is contrary to this and may be considered a violation of federal law and will be considered justification for disciplinary or other appropriate action. This applies to all employees, supervisors, agents and non-employees who have contact with employees during working hours. The following defines harassment and outlines the method by which it should be reported:

Harassment is any annoying, persistent act or action that singles out an employee to that employee's objection or detriment, because of but not limited to, race, sex, religion, ancestry, national origin, age, physical disability, mental conditions, or marital status. Harassment may include any of the following:

a. Verbal abuse or ridicule. This includes epithets, derogatory remarks, slurs or unwanted sexual advances, invitations or comments.

b. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her race, color, religion, sex, national origin, age, handicap or disability.

c. Displaying or distributing sexually offensive or racist materials. This includes derogatory posters, cartoons, drawings or gestures.

d. Discriminating against any employee in work assignment or job-related training.

e. Unwelcome intimate physical contact.

f. Making offensive innuendoes.

g. Demanding sexual favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment.

h. Retaliation for having reported harassment or cooperating with an investigation.

It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If however, harassment or suspected harassment has or is taking place, it is the employee's duty to report the harassment.

An employee should report the harassment or suspected harassment immediately to their supervisor, department head, or Director of Human Resources. If possible, this complaint should be in writing, setting forth all pertinent facts. However, the complaint does not have to be

in writing. All communication concerning the complaint will be confidential, and provided only to those employees and legal council or Administration Committee on a need-to-know basis.

No employee, supervisor, department head or official shall threaten or insinuate either explicitly or implicitly, that he or she has the right or authority to offer any benefits, including, but not limited to, tangible items, whether business related, such as raises or promotions, or non business related, such as gifts, trips, or any other item, in exchange for sexual favors. An employee receiving such an offer should immediately report it to the department head, or if the accused is the department head, the Human Resources Director.

It is every employee's and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however harassment or suspected harassment has or is taking place the following applies:

A. An employee should report harassment immediately to the department head. If the department head is the alleged harasser or if the complainant reasonably believes that reporting the conduct to the department head will be unavailing, then the complaint should be reported to the Human Resources Director. Complaints should be made in writing.

B. Any employee who has knowledge of harassment shall inform the department head, or if the department head is the alleged harasser or the employee believes that reporting the conduct to the department head will be unavailing, then inform the Human Resource Director in writing. Department heads should actively monitor workplace conduct for potential harassment in the workplace.

C. Each complaint shall be fully investigated. The complainant, accused, and witnesses, identified by both, including, where necessary, form employees, shall be interviewed. A determination of the facts and appropriate action will be made on a case-by-case basis. Investigations will be conducted in an impartial and objective manner. Investigations of Officials will be performed by the Internal Affairs Division of the Police Department, or where that is impractical or objected by either the complainant or the accused party, by an independent party or agency not a part of city government. The investigation findings and recommendations shall be produced in writing and provided to the complainant, accused party, Mayor and Human Resources Director. To the extent allowable by law, confidentiality will be maintained during the investigation process.

All city employees have an affirmative duty to cooperate in the investigation of complaints. Failure or refusal to cooperate in an investigation shall subject an employee to disciplinary action, including termination.

The City of Pine Bluff will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action, including termination, will be taken against offenders who are employees. Officials may be subject to censure by the City Council.

Department heads and supervisors for the City shall undergo periodic training in the detection, investigation and prevention of unlawful harassment in the workplace. Certificates of such shall be maintained by the Human Resources Director.

The City will not tolerate harassment or any form of retaliation against an employee who has either reported or cooperated in an investigation of alleged harassment. Violation of this provision may result in disciplinary action up to and including termination.

SECTION 3

EMPLOYMENT POLICIES
AND
PROCEDURES

3.1 HUMAN RESOURCES POLICY

Human Resources Policy

The following Human Resources principles and policies are established:

1. Employment in the City of Pine Bluff will be based on ability and qualifications free from personal favoritism and political considerations.

2. Just and equitable policies and conditions of employment will be established and maintained to promote efficiency and economy in operation of the municipal government.

3. Every effort will be made to encourage high morale by fair administration of Human Resources policies and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City. This includes open and fair communication efforts between supervisors and employee.

The provisions of this policy will be applied equally to all employees and applicants without regard to race, color, religion, sex, national origin, handicap or disability, or veteran status. In addition, the City of Pine Bluff will comply with all applicable State of Arkansas laws governing nondiscrimination in employment. If it is determined that managerial or supervisory staff has intentionally discriminated against any employee because of his/her race, sex, national origin, handicap/disability status, or retaliated against any employee because of his/her opposition to alleged discriminatory acts, the responsible party will receive appropriate disciplinary action in accordance with the City of Pine Bluff's Disciplinary Policy. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, demotion, discipline, termination, layoff, re-hire, transfer, leave of absence, compensation, and training.

3.2 HIRING AUTHORITY

Hiring Authority

Full-time elected officials are the hiring authority for their appropriate staff positions. Such offers of hire shall not be valid unless approved by the appointing elected official. These positions are exempt from posting.

The Human Resources Director is the hiring authority for full-time, part-time, intermittent, temporary hire and seasonal positions not in the classified system upon approval by the Mayor. No such hire shall take effect until an individual has received written notice of hire from the Mayor.

3.3 BACKGROUND INVESTIGATIONS

Background Investigations

All applicants being considered for hire by the City are subject to a background investigation that includes but is not limited, to the following:

- verification of previous employment;
- verification of Arkansas driver's license (if driving is a requirement);
- traffic Violation Record (if driving is a requirement);
- misdemeanor records; and
- felony records.

Criminals Convictions
Applicants with a criminal conviction history will not be disqualified solely because of the criminal conviction history. A determination of fitness of employment will be made on an individual basis, including but not limited to, the following factors:

- type of position being filled;
- number of convictions;
- type of convictions;
- type of offenses; and
- number of years since last conviction.

The primary consideration is whether or not an individual with a criminal conviction history poses a potential risk to the safety and security of the workplace, the public or public property, or loss of public confidence in the City government if hired. The Human Resources Director is responsible for making this determination.

Applicants failing to make a complete list of criminal convictions on the application in the space provided will be automatically disqualified from further consideration.

Information gained from the above background checks will be held in confidence and shared only on a need-to-know basis.

A national background check will be conducted on all qualified applicants whose primary job will be to handle money or access public records.

National background checks will be given to all employees who handle money or have access to public records.

3.4 EMPLOYMENT CLASSIFICATIONS

Employment Classifications

At the time you are hired, your position is classified as regular full-time, regular part-time, or temporary and it is also designated as exempt (from overtime pay) or non-exempt (from overtime pay).

Regular Full-Time Employee: An employee who is assigned to a position that is part of the regular annual operating budget, and who is scheduled to work more than 32 hours per week. Full-time employees are eligible for all employee benefits.

Regular Part-Time Employee: An employee who is assigned to a position that is part of the regular annual operating budget, and who works 32 hours or less per week; such employees are only eligible for worker's compensation.

Exempt: Employees whose jobs are not subject to the provisions of the Fair Labor Standards Act that requires payment for overtime. Those jobs by function are executive, administrative, professional and computer.

Non-Exempt: Employees whose jobs are subject to the provisions of the Fair Labor Standards Act requiring the reporting of hours and payment of overtime hours worked in excess of forty (40) hours per week.

The determination of whether a position is exempt or non-exempt is made by the Human Resources Department in compliance with the Fair Labor Standards Act.

3.5 TEMPORARY EMPLOYEES

Temporary Employees
Employee who work (either full-time or part-time) on regular schedule for a defined period of time, either in an established position to provide coverage in the absence of a regular employee or in a position created to meet a specific short-term need. Temporary employees are eligible for worker's compensation only. Temporary status should not exceed 12 months.

Temporary Lateral Re-Assignment
A temporary lateral reassignment is a change of appointment to the same classification or skill level within the same salary range. A temporary lateral reassignment will be done at the discretion of the Mayor; not to exceed 6 months.

Temporary Agency Employees
When necessary to utilize a temporary agency to provide services, their employees are not considered city employees when assigned. They remain the employees of the temporary agency. The City merely provides task supervision during their assignment to the City.

3.6 NEPOTISM

Relatives of current City of Pine Bluff employees may be considered as candidates for any position, whether full-time, part-time, or temporary, so as long as they meet the requirements of the position, and so long as there is no supervisory relationship between the current employee and his or her relative. An employee may not sign off on a time sheet, performance appraisal or in the event two employees within the same department become married or two employees who are related and are subject to the above criteria while still employed, the following procedures will apply:

A. The department head must be notified as soon as possible prior to marriage and/or relationship.

B. One of the employees shall be required to resign or transfer to another department promptly.

C. The involved employees may mutually agree on which one will transfer or resign. If the involved employees are unable to reach an agreement, the decision will be made by management. In this case, the employee having the lower classification will be required to transfer or resign.

D. If both employees are equally classified, the one lower in seniority will be required to transfer or resign. In the event that seniority is also equal, the choice will be made by the Department Head.

<u>In Rare Circumstances</u>

A non-uniformed employee of the Police and Fire Department who marries another employee of the department covered by the civil service, or whose spouse is subsequently employed as a uniformed employee covered by civil service, shall not be required to resign or transfer to another department unless the chief of the department determines the relationship impacts adversely upon morale, good order, and/or performance of the department. The chief of the department may require the spouse or close relative to transfer to another division of the department to prevent potential conflicts.

Any employee in violation of this policy will be subject to disciplinary action up to termination.

3.7 FILLING VACANCIES

Filling Vacancies

It is the City's objective that employees be selected based on qualifications, and that the selection procedures be non-discriminatory. Discrimination based on race, color, religion, age, sex, national origin, disability, veteran status, or political affiliation is prohibited.

Vacancy Announcements
Vacancy announcements are sent to each department to post on their bulletin boards in a place designated at each site for such announcements for a minimum of five (5) working days. Vacancy announcements are also posted in the bulletin board in the lobby of City Hall for a minimum of five (5) working days.

During the period a vacancy announcement is posted, any employee meeting the minimum qualifications for the position may apply.

There is no minimum term of employment required to be eligible to apply for posted positions, providing the applicant meets all other requirements.

Internal Vacancy Announcements
Some positions are received for promotional opportunities for regular part-time and full-time employees. These positions are advertised interdepartmentally only among the City's departments and are not advertised to the public unless the Human Resources Director determines it is in the best interest of the City or the department to do so. In such cases, the public advertisement will be made concurrently with the internal advertisement.

An employee must be a regular part-time or full-time employee and meet the minimum qualifications for the position as shown on the vacancy announcement to be eligible for an "internal posting."

Departmental Requirements
All departments are required to have a bulletin board or other designated location for posting vacancy announcements at all job sites within the department.

Form of Application Required
Applications shall be on a form provided by the Human Resources Department. Applications must be completed and signed.

Deadline for Accepting Applications
Applications must be submitted to the Human Resources Department no later than 5:00 p.m. on the expiration date shown on the vacancy announcement or until filled.

Evaluation Methods
Factors used to evaluate applicants include, but are not limited to: previous work history, background checks, minimum education, licenses, certifications, job-related experience; and the ability to effectively perform the essential functions of the position.

Qualified applicants are then referred to the appropriate department head for review and consideration.

The Human Resources Department requires ten (10) days to complete the evaluation process.

3.8 CREATING AND MODIFYING POSITIONS

Creating and Modifying Positions

Whenever you establish a need for a new position or a need for a change in a position that is currently filled, the following steps will need to be taken:

1. Make the request through Human Resources to assist with the job description and establish a salary range or any other changes;
2. The new position or change needs to be approved by the Mayor;
3. The new position or change needs to be approved by the Administration Committee;
4. Once the Administration Committee approves the request, it will be forwarded to the Ways and Means Committee for funding and then brought before the full council.

3.9 INTERNAL PROMOTIONS AND TRANSFERS

Internal Promotions and Transfers

To encourage career employment and to assist our employees in availing themselves of promotional opportunities, it is the policy of the City of Pine Bluff to fill vacancies, whenever possible, internally. The City of Pine Bluff reserves the right to make promotions primarily on the basis of qualifications, demonstrated skills and abilities, and past performance of duty, but shall be governed by seniority when two or more employees have equal qualifications and have demonstrated equal ability and skill through past performance of duty.

The job posting should be posted as an internal job posting only. Outside applications will not be accepted.

A department head may promote or transfer a qualified city employee to his/her department. All city employees must be made aware of the vacant position and be given consideration. The Department of Human Resources will determine if the city employee is qualified for the position before a transfer or promotion is made.

The Department of Human Resources will review the job description and employee qualifications to ensure that the salary is in accordance with the pay plan.

Employees may be temporarily required to assume duties and responsibilities of a higher classification than their current assignment. Such temporary assignments will not affect their salary or any other benefits they may be entitled to. The City views periods of temporary assumption of higher duties and responsibilities as excellent training opportunities to prepare employees for promotion. These training opportunities also allow management to evaluate employee's qualifications and abilities for promotion positions. Employees shall not be allowed to work in a higher classification position for no more than ninety (90) days. After ninety (90) days, the employee should either be promoted and begin to receive compensation for the vacated position or discontinue the performance of the duties and responsibilities associated with the higher classification. NOTE: Supervisors/department heads are not precluded from promoting the employee prior to the expiration of the ninety (90) day period.

The department head shall process a transaction form through the Department of Human Resources.

When an employee is promoted to a higher classification, the employee shall receive one percent (1%) for each year of full time continued experience of employment with the City, not to exceed ten percent (10%) added to the employee's greatest salary received at the lower position.

An employee should transfer from one classification to the same classification with no loss of present salary. The employee will not be required to be employed at the base rate.

Eligibility

- Meets the minimum qualifications for the job or has clearly demonstrated the ability to do so;

- Has been employed in his/her current position for a period of 6 consecutive months; (the Mayor may approve exceptions to this provision;
- Respond to the posting in a timely manner using the Internal Transfer/Promotion Application;
- Has satisfactory record of performance in his/her current position;
- Is not currently in Progressive Counseling or had Disciplinary Action, excluding verbal warnings, in the past year.
- Employees will be required to complete a short application for promotion or transfer.
  A Department Head may transfer any employee from a position of one salary to a position of the same salary within the same department by reporting the action to the Human Resources Department by means of a transaction form.

  - Two Department Heads may transfer an employee from a position of one salary to another position of the same salary between their respective departments upon mutual agreement of the employee and the Department Head. This action must be reported by the use of a transaction form to the Human Resources Department.
  - An employee may transfer from one classification to the same classification with no loss of present salary. The employee will not be required to be employed at the base rate.
  - When an employee voluntarily transfers from a higher to lower classification, his or her salary shall be reduced to the base rate of the lower classification. When an employee is transferred from a higher to a lower classification as a result of reduction in force or to meet some need of the city, his or her salary may be the same as immediately before the transfer or some amount greater than the base rate of the lower classification position (not exceeding his or her salary immediately before the transfer) if the relevant department head(s) and Mayor each in writing concurs in the transfer and approves the salary. When an employee is demoted or transferred for disciplinary reasons from a higher to a lower classification, his or her salary shall be reduced to the base rate of the lower classification.
  - When all qualifications are equal, seniority shall be a preferential factor when providing consideration in the selection process of transfers/promotions. Seniority shall also be the preferential criteria used in determining other personnel transactions (examples; determining the disposition of vacation scheduling, time off without pay, certain shift assignment and office seating arrangement, etc.).

All transfers and promotions shall be subject to final approval by the Department Head and the Mayor.

Employees may be temporarily required to assume duties and responsibilities of a higher classification than their current assignment. Such temporary assignments will not affect their salary or other benefits they may be entitled to. The City views periods of temporary assumption of higher duties and responsibilities as excellent training opportunities to prepare employees for qualifications and abilities for promotion positions. Employees shall not be allowed to work in a higher classified position or discontinue the performance of duties and responsibilities associated with the higher classification. NOTE: Supervisors/department heads are not precluded from promoting the employee prior to the expiration of the ninety (90) day period.

3.10 SEPARATION FROM EMPLOYMENT

Separation from Employment

The City and the employee recognize that either party may terminate the employment relationship at any time and for any reason.

It is a policy to terminate employees when situations occur that are beyond the Department's control, including, but not limited to situations such as:

- Economic necessity requiring the reduction of the work force;
- When an employee's actions/inactions, or results of such actions/inactions are of such a nature that termination is appropriate;
- When an employee fails to demonstrate a willingness or ability to improve his or her conduct, attendance or performance deficiencies without intense supervision;
- When failing to terminate the employee would create an unreasonable risk of negligently retaining an employee who has failed to display the necessary competencies and abilities to remain in his or her job position; or
- When an employee has medically-verified permanent work restrictions that prevent the employee from performing the essential functions of his/her job with or without reasonable accommodation, and no other options for continued employment are possible.

When terminating an employee, the following procedures should be followed:

- Always inform the employee of their termination with at least one other witness;
- Retrieve any city property **immediately**;
- Arrange for the return of any off-site equipment that the ex-employee may possess;
- The employee should be escorted off the property by a Human Resources Representative and a member of the Pine Bluff Police Department;
- Human Resources will arrange for the final paycheck, including vacation pay. Human Resources will also be responsible for the cessation or transfer of benefits (health insurance, life insurance, retirement, etc.).

Resignation
Employees wishing to leave the City's service may do so at any time and for any reason. Employees are not required to provide a two week notice unless requested by the Mayor.

Retirement
Employees who plan to retire and desire prompt payments of pension benefits are requested to provide the department head and City Clerk's Office with a minimum of 30 days notice to allow ample time for the processing of the required pension forms in order that retirement benefits may commence in a timely manner following the date of retirement.

Appeal of Discharge
Employees may appeal a discharge by completing an Application for Appeal. This form can be obtained from the Human Resources Department. The application must be completed in full and include:

- A clear and concise statement of the employee's version of the facts which resulted in his or her rights being violated, suspension, demotion or termination;
- A clear and concise statement of why the employee believes the action taken against them to be justified;
- The identity of witnesses the employee contends have knowledge of the facts;
- A list of documents relevant to the appeal, which should be attached to the application of why the documents are not attached and the identity of the custodian of the documents.

Appeals Time Limit

An Application for Appeal must be completed and submitted to the Human Resources Department no later then five (5) working days after the violation of rights, suspension, demotion or termination. The Human Resources Director should promptly open a special file and immediately forward a copy of the application to the appropriate department head. All Applications for Appeal submitted to the Human Resources Department more than five (5) working days after the alleged violation of rights, suspension, demotion or termination complained of, will be rejected unless the Application for Appeal contains a satisfactory explanation reflecting unavoidable casually or justifiable neglect of why the Application for Appeal was not timely filed.

An employee appealing his or her suspension, demotion, or termination or other applicable grievance, who fails to cooperate with the Administration Committee of the City Council, full Council or the Human Resources Director in the investigation of appeal or fails to appear for a hearing convened by the Administration Committee of the City Council on the appeal, shall be deemed to have abandoned the appeal.

Department Head Responsibility

The department head or supervisor shall submit a response to the Application for Appeal within five (5) working days of the receipt. The response shall include, but not limited to:

- A clear and concise statement of the facts resulting in the violation of rights, suspension, demotion or termination;
- A rebuttal to the employee's argument that the action was unjustified;
- The identity of all persons with knowledge of the relevant facts;
- A list of documents relevant to the Response, which should be attached to the Response, or an explanation of why the documents are not attached and the identity for the custodian of the documents.

A copy of the Response shall be filed with the Human Resources Department. The Human Resources Director will forward a copy of the Response to the employee.

Appeals Procedure

If the employee is not satisfied with the Response from the department head or supervisor, they should then notify, in writing, the Human Resources Department within 5 days that (s)he would like to appeal to the Administration Committee of the City Council. The Administration Committee will make a recommendation to the full Council based upon the Application for Appeal and the Response. The Administration Committee and/or Council may elect to convene a hearing and receive additional evidence to determine whether the disciplinary action is supported by the Non-Uniformed Employee Handbook and/or departmental guidelines. If no decision is made by the City Council within thirty (30) days of being submitted, the disciplinary action shall be deemed final.

If a department head/director chooses to appeal a disciplinary action, including termination, received by the Mayor, the department head/director have five (5) days to lodge an appeal with the Human Resources Department. The Mayor shall submit a response, if any, within five (5) working days of receipt The Human Resources Director shall forward the appeal and response to the City Council for its consideration. If no decision is made by the City Council within the thirty (30) days of being submitted, the disciplinary action shall be deemed final.

The Appeal Procedure for department heads/directors does not affect the authority of the City Council to override the Mayor's appointment or removal of a department head, as set forth in A.C.A.§14-42-110. The City Council may choose to override the Mayor's decision in the absence of an appeal by the department head/director.

Appealing the Decision of the City Council

Every effort will be made by the City Council to render a final decision on the appeal in a prompt and expeditious manner.

Exit Interviews

Employees who are resigning or retiring should be contacted by the Human Resources Director (or authorized designate) for the purposes of completing an exit interview. Supervisors receiving verbal notice of resignation should request that the employee contact the Human Resources Department for that purpose. The Human Resources Department will attempt to complete an exit interview on employees who are discharged.

Return of City Property and Funds Owed the City

Department heads (or authorized designees) are responsible for retrieving all City-owned materials, equipment, tools, uniforms, keys, books, and any other City property from employees leaving the City's employ for any reason and for ensuring that the cost of repair or replacement of any damaged or lost City property, or monies owed to the City by the employee, are charged as an indebtedness owed to the city against the employee's final compensation, including deductions from paychecks.

SECTION 4

COMPENSATION
&
CLASSIFICATION
POLICIES AND PROCEDURES

4.1 COMPENSATION

Compensation

The City provides equitable compensation in the form of pay and benefits for the purpose of attracting and retaining qualified employees and manages its compensation program in a manner consistent with all federal and state laws governing salary administration.

Pay Plan
The City's pay plan was established by the City Council. It forms the basis of compensation for all City employees**.** A full-time regular employee's total compensation consists not only of salary or wages, but includes various benefits offered, such as group health and life insurance, paid holiday, leave benefits and a mandatory retirement plan.

Paychecks
City employees are normally paid by pay check or direct deposit on a bi-weekly basis, on Friday following the last day of the bi-weekly pay period. If a payday falls on a holiday, the employee will usually be paid on the day preceding the holiday. All required deductions and all pre-authorized voluntary optional deductions are withheld automatically from the employee's paycheck.

In the event that the employee's paycheck is lost or stolen, the employee should notify the supervisor immediately, The supervisor will, in turn, immediately notify the Finance Department, which will attempt to put a stop-payment notice on the check. If they are able to do so, the employee will be issued another check. The City is unable to take responsibility for lost or stolen paychecks, and if unable to stop payment on the check, the employee alone will be responsible for the loss.

Employees are responsible for reviewing their paycheck for errors. If a mistake is found, it should be reported to the supervisor immediately. The supervisor will assist the employee in taking the steps necessary to correct the error.

Worker's Compensation Disability Payment Checks
An employee may utilize 33.33% of their sick leave, per pay period, while receiving Worker's Compensation temporary total disability (TTD) benefits. Once the employee has exhausted their sick leave they may utilize vacation leave. Once the employee has exhausted their vacation leave they will only receive 66.67% of their salary from worker's compensation.

Wage Advance Prohibited
Salary or wage advances to employees are not allowed.

Payroll Direct Deposit and Optional Deductions
Employees may have their payroll check automatically deposited in their financial institution. Employees can sign up for this service at any time by notifying the payroll clerk in the Finance Department to obtain information on the procedure.

Pay Classifications
Each position in the City's work force has been assigned an appropriate pay grade or pay classification by the Human Resources Department. Job descriptions may be revised from time to time as changes in job duties and other requirements make it necessary. Rates of pay within the classification system established for each position are determined by a number of variables, including but not limited to, complexity of responsibilities, difficulty of tasks, number of employees supervised, educational requirements, certificate requirements, expertise requirements, average pay for similar positions within the appropriate labor markets, other similar jurisdictions, difficulty of recruiting qualified individuals, the financial resources of the City and other economic considerations.

Position Classification
For purposes of salary administration and benefits, position classifications are:

- Full Time Regular - Employees who work a full-time, forty-hour work week on a regular basis.
- Part Time Regular – Employees who work less than twenty-nine hours per week, on a regular basis.
- Intermittent/Temporary – Employees who work on an "as-needed" basis, either part-time or full, time, temporarily or seasonally.

Employees in positions classified as part-time, intermittent, or temporary or seasonally, do not accrue seniority. Such employees are employed only on an as-needed basis. They may, however, apply for any posted entry-level city positions for which they qualify. The experience gained in a temporary position shall not be credited in a selection process involving the same or similar position and department in which an individual served as a temporary employee unless the temporary employee was hired subsequent to the City's normal competitive recruiting and selection process.

Acting Status (Interim) Compensation
An employee who is required to assume the duties of another employee in a higher pay grade is entitled to acting status compensation. An acting appointment should be made to a higher class position occupied by a person on temporary leave, disability, or if the position is vacant. Such acting appointment shall not exceed twelve months, unless an extension is approved by the Mayor. An acting status position is not required to be posted. If an acting status position is to change to regular status (temporary or permanent), the position must be posted. An individual who occupies an acting status position must apply for the position when posted to be considered a candidate. Compensation for acting status will be considered only when the reassignment will last one month or more. A current level employee who is placed in an acting status assignment which is considered to be at a higher level of responsibility will be compensated at a ten-percent (10%) increase in the employee's salary, or to the minimum of the pay grade, whichever is more. When the employee returns to their former assignment, their salary is reduced by this increment. A new employee who is hired in an acting status assignment will be compensated according to the normal new hire salary determination process.

4.2 HOURS OF WORK

Hours of Work

Normal Work Periods
The City's normal work week is forty (40) hours. The standard work day is eight (8) hours for non-exempt employees. General office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, depending on the department. Starting and ending times and work days may vary within departments and office locations, and from season to season. The City reserves the right to adjust and change hours or work, and individual work schedules with or without notice in or to fulfill the responsibilities of providing required and efficient service to the public. Except in cases where it is not possible or practical to do so, every effort will be made to give employees reasonable advance notice.

Scheduling of Extra Work Hours
Extra work hours may be scheduled at any time deemed necessary by the department head or his authorized designate. When practical and possible, the supervisor or department head will attempt to provide employees with reasonable advance notice when the need for work outside regular hours arises; including the method of compensation for non-exempt employees regarding hours worked that will exceed 40 in the work week. However, advance notice may not always be practical or possible. All employees are required to cooperate with requests to work beyond regular work hours unless there is a legitimate medical emergency, or other emergency situation, beyond the employee's control that makes it impossible to work the extra hours. Employees making such claims may be required to provide written medical or other verification of the emergency upon request of the supervisor or department head. Violations may result in disciplinary action, including discharge.

Public Accountability Principles
Public employees are held to the highest level of responsibility in the effective and efficient use of public funds in order to serve the public interest. Accordingly, our citizens expect accountability for all hours an employee is paid. It is the policy of the City that no employee will receive pay for time not worked unless the employee is eligible for paid leave benefits available to compensate for the absence.

Recording Hours Worked
The City complies with all applicable federal and state laws that require specific records be maintained of actual hours worked by employees regardless of classification. To ensure that accurate records are kept of the hours employees actually work, to record the absences charged to paid and unpaid leave, and to ensure that employees are paid in a timely manner, the employee's actual hours worked and any absences of a day or partial day are to be recorded daily in each department and recorded bi-weekly on the payroll time sheets.

Department heads are responsible for reviewing the time sheets for accuracy and for resolving any discrepancies before approving, signing and forwarding them to the Department of Finance for payroll processing.

On-Call Time
Whether a non-exempt employee who is on-call must be paid for those hours depends on the restrictions placed on the personal freedom of the employee while on-call. If the employee must remain at or near the work site, or if the employee is not free to use the time as he or she pleases, the employee must be paid for on-call time. If the employee merely leaves a phone number or carries a pager for emergency work, that on-call time generally does not need to be compensated.

Employees on-call after hours of operation are to receive supplemental pay equal to one (1) hour work per day for Monday through Friday and two (2) hours work per day on weekends and holidays. On-call hours do not count as time worked toward overtime hours. When a call-out is initiated and the one-hour overtime payment is begun, a second call-out during that timeframe will be considered a continuation of the initial call and will not be paid as a second call-out.

Employees on-call not reporting to work in a timely manner shall be reprimanded for an unexcused absence and forfeit eligibility for on-call status for 3 months.

If non-exempt employees are required or allowed to report to work before the start of the normal work day or to remain engaged in work after the end of the normal work day, that time is compensable and must be counted as hours worked. Employees who are required to report to work at a certain time, but not allowed to start work until later must be compensated for the waiting time.

Stand-By or Waiting Time
Periods spent standing by, waiting or periods of inactivity during working hours are compensable and are to be counted as hours worked. Examples are: an employee who must wait for a vehicle to be removed from the road, or a crew who must wait for equipment to arrive on the job site, or a repair worker who spends the night at the employer's premises waiting for trouble calls, but is allowed to sleep while on duty while waiting for the calls.

Not counted hours are the times when an employee is completely relieved from duty and allowed to leave the job site, or the employee is relieved from duty on the premises until a specified time and relief period is long enough for the employee to use the time as they see fit.

Other Examples of Non-Compensable Time include, but are not limited to:

- Voluntary charitable work done outside of normal working hours;
- Operation of City motor vehicle for employee's own commuting convenience;
- Sleeping time up to 8 hours if the tour of duty is 24 hours or longer;
- Shutdowns for regular, customary equipment maintenance where the employee is free to leave the premises;
- Traveling from home to work site and vice versa;
- Traveling on overnight trips during non-working hours, except while performing duties at work;
- Voting time;
- Time spent waiting to check in or out or to start work at a designated period.

Mandated Medical Appointments
Time spent outside of normal working hours that are associated with examinations or treatment mandated by the department head as a condition of remaining on the job is counted as hours worked.

Employee Responsibility
Each employee should make sure the hours they actually work and the paid and unpaid leave charged to them are recorded accurately and comply with requirements for documenting absences.

Departmental Responsibility
A brief explanation of the reason for all hours worked in excess of 40 in the work week by a non-exempt employee shall be provided in writing by the department head on the overtime/compensatory time sheet. The department head must attach this sheet to the bi-weekly time sheet.

Falsification
Falsification of a time record or time card in any manner is prohibited. Violations will result in disciplinary action, including discharge.

4.3 UNSCHEDULED WORK

Unscheduled Work

Call-Outs – Less than Full Shift
An off-duty non-exempt employee who is called to work for an unscheduled period of time which is less than a full shift shall receive, at the regular rate of pay, a minimum of one (1) hour pay, or the hours actually worked, whichever is greater. This provision does not apply to those employees who remain at work beyond normal working hours.

Call-Outs – Full Shift
A non-exempt employee who is called to work for an entire unscheduled shift (full shift) in non-emergency situations will be compensated for the actual hours worked at the regular rate of pay. Such hours will be included in the total number of actual hours worked in the 7-day, 40-hour work period. If total hours worked in the work period exceed 40, the employee will receive overtime pay as usual.

Periods of Emergency
A non-exempt employee who is called to work for an unscheduled period during an emergency (as defined below), and who works in excess of eight hours, may receive one and one-half times their regular rate of pay for those hours actually worked, upon recommendation of the department head and with prior approval of the Mayor.

An emergency for purposes of the above call-out policy is defined as follows:

- Extraordinary storm damage, ice, snow, flood, fire explosion, riot, major hydro-outages, major power outages; and
- Any other abnormal circumstance determined by the Mayor to be an emergency.

4.4 OVERTIME COMPENSATION

Overtime Defined

Overtime is defined as the number of hours actually worked by non-exempt employees in excess of forty (40) hours within the established 40-hour work period.

Fair Labor Standards Act (FLSA)

For purposes of determining eligibility for overtime compensation pursuant to the federal Fair Labor Standards Act (FLSA), positions are classified as Non-Covered, Non-Exempt and Exempt. Questions about individual FLSA classifications should be directed to the department head.

- Non-Covered Positions not covered by the FLSA. They include elected officials and employees on elected officials' personal staff, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners and certain trainees.

- Non-Exempt Positions for which compensation is based on an hourly basis are covered by the provisions of the FLSA. Employees in non-exempt positions are eligible to receive overtime compensation at a rate of one and one-half times all hours actually worked in excess of 40 in the established work week. Compensation for overtime hours may be provided either in wages at an hourly rate of 1 ½ times the employee's regular hourly rate of pay, or by compensatory time off at a rate of 1 ½ hours times the number of hours over 40 in the established work week.

- Exempt Positions may be classified as exempt from the overtime requirements of the FLSA if the compensation if paid on a salary basis of not less than $455 per week and the duties performed in the position meet the minimum tests related to the primary job duties for bona-fide executive, professional, or administrative positions as defined by the Fair Labor Standards Act. These are positions covered by the FLSA**,** but exempted from overtime provisions. A job title alone is insufficient to establish the exempt status of an employee. The status must be determined on the basis of whether the employee's salary and duties meet the current requirements of the FLSA regulations. Employees in positions classified as exempt must customarily and regularly perform exempt duties. Certain seasonal recreational employees can also be considered exempt, depending on the position and location. Exempt positions are classified by the Human Resources Department using FLSA definitions.

Complaint Procedures
Exempt employees who have reason to believe they have been mistakenly classified as exempt, or who have experienced salary deductions that they feel may be improper, may file a complaint and request a review with their department head. The request for review should provide an explanation of why they feel they have been misclassified or have had an improper wage deduction from their salary. The department head will forward such complaints or requests to the Human Resources Director for review. The Human Resources will promptly investigate the matter. It is found that there has been an incorrect classification, the position will be properly reclassified. If there has been an improper wage deduction, the employee will be refunded the amount of such deduction and appropriate steps will be taken to ensure that future violations do not occur. No retaliation shall be taken against any employee for making such an inquiry.

Method of Overtime Pay Compensation
Non-exempt employees shall be compensated for all hours actually worked in excess of 40 within the work week, either in compensatory time off at 1 ½ times the number of hours actually worked in excess of 40, on in wages at 1 ½ times the regular rate of pay.

Payment of Overtime Compensation
Payment of overtime compensation to non-exempt employees is made on the regular payday following the receipt by the Finance Department of the bi-weekly time sheets with the overtime hours reported.

Absences Within the Work Week
Any hours not actually worked, including those charged to Sick Leave, Vacation Leave, Compensatory Time Off or Holiday, shall not be counted as hours worked during that work period.

Exceptions:

- Subject to prior approval of the Mayor, a non-exempt employee who works in excess of 8 hours in a work day at the direction of the department head or his authorized designate due to an abnormal emergency, may have hours of vacation leave, sick leave and holiday used during the work week in which the emergency occurs counted as hours worked during the work week. Authorization to do so shall only be upon written approval of the department head and the Mayor, and is to be applicable only to abnormal emergency situations. Copies of such written approval must be attached to the time sheets for the period in question.

An abnormal emergency for purposes of the above policy is defined as follows:

- Extraordinary storm damage, ice, snow, flood, fire, explosion, riot, major power outages or
- Any other abnormal circumstance determined by the Mayor.

4.5 HOLIDAY COMPENSATON

Holiday Compensation

The City of Pine Bluff celebrates ten (10) regular paid holidays each year. All full time employees who have completed thirty (30) calendar days with the City will receive 8 hours of pay for the following holidays. If an employee has been employed less than thirty (30) calendar days, they will be off on this holiday, but this time off will be without pay.

1. New Year's Day
2. Martin Luther King's Birthday
3. Washington's Birthday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Columbus Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Eve
12. Christmas Day

The Mayor, by Executive Proclamation, may proclaim additional days in observance of special events, or for other reasons at his/her discretion. When a holiday falls on Saturday, Friday will be observed. When a holiday falls on Sunday, Monday will be observed.

To be eligible for holiday pay, the employee must be in a "pay status" for thirty (30) days before the holiday and work the day before and after unless the employee is utilizing vacation and sick leave benefits prior to the holiday.

Employees (excluding part-time and temporary employees) who have completed thirty (30) calendar days of employment with the City shall be entitled to eight (8) hours of paid leave at regular compensation to be taken on their birthday. In the event the employee's birthday falls on another holiday or weekend, the leave may be taken on the next business day thereafter.

Compensation for Working on Holidays
Full-time, regular, non-exempt employees scheduled to work on holidays, will abide by their interdepartmental policy.

Compensation for Holidays Occurring While on Scheduled Leave or Scheduled Day Off
If a holiday occurs within the employee's scheduled vacation or during sick leave, that day will be charged as a holiday and will not be charged against the employee's vacation or sick leave if the employee is in a "pay status" the day before the holiday and the day after.

4.6 COMPENSATORY TIME OFF

Compensatory Time Off

Only non-exempt employees are eligible for compensatory time off at 1 ½ times the number of overtime hours.

An employee will receive compensatory time for attending functions as a City representative after normal working hours except when attending overnight seminars, training sessions, or similar functions as a representative of the City and when the City is paying for all expenses necessary to attend the seminar, training session, etc.

All compensatory time shall be authorized and approved by the department head. The department head will keep a record of compensatory time for all employees within his/her department.

No employee may accrue more than thirty (30) days of compensatory time at any given time. An employee may carryover fifteen (15) days of compensatory time from year to year. Employees with compensatory time in excess of fifteen (15) must use the excess before the end of the calendar year.

4.7 COLLEGE OR UNIVERSITY CREDIT HOURS

College or University Credit Hours

- Any employee who has completed college hours, while employed with the city, shall be compensated therefore at the rate of $0.50 per hour per month, provided the employee submits proof of the hours through certified transcript from the College or University substantiating the hours claimed.
- The maximum amount of any non-uniformed employee may receive is $60.00 per month.
- "College or University Hours" means hours accrued on the semester system or convertible thereto at an accredited institution for higher learning. "Accredited institution or higher learning" is an institution which maintains academic programs leading to an award of an Associate, Bachelor, Master or Doctoral degree in a particular academic field, and which was accredited by an authority empowered under state law to conduct such evaluations.
- The educational institution and the courses which the employee wishes to enroll must be approved in advance by the employee's Department Head and the Mayor. All courses must bear a clear, direct, and rational relationship to the employee's job duties to be eligible for benefits.

Training Certificates

- Non-uniformed employees who earn a certificate issued by a recognized authority shall be compensated at the same rate of $0.50 per hour per month if credit hours can be obtained.
- The training certificate must be issued by an agency or entity accepted by the City as bona fide and training must be clear, direct, and rational relationship to the employee's job duties.
- A maximum compensation for training certificate shall be $60.00 per month.

Burden of Proving Eligibility

The employee has the burden of proving eligibility claimed.

Exclusions

College or University hours or training certificates attained in cases where the City has paid the tuition or costs of securing same shall be excluded from consideration for benefits. College or University hours enrolled or accrued, or training certificates earned or awarded, prior to December 1, 1997, or which were accrued or obtained subsequent hereto without advance approval of the employee's department head and the Mayor, are excluded from consideration for benefits.

Benefits Contingent

All benefits provided for herein are contingent upon financial good health of the City and no entitlement or vested right is created or intended to be created for non-uniform employee to receive the benefits provided for herein.

Limitation of Benefits
Maximum benefits payable pursuant to Sections 1 and 2, or any combination thereof, shall be $60.00 per month.

4.8 TRAVEL POLICY

Travel Policy

Authorization
Employees must receive permission from their department head to travel before any business travel is undertaken. Employees should submit their request as soon as possible prior to departure and obtain their department head's authorization for the trip.

The request must contain the following information:

- Employee's name;
- Destination and purpose of the trip;
- Dates of departure and return;
- Type of transportation; and
- Amount of travel advance requested, if any.

Arrangements
Whenever possible, travel should be made by City vehicle. Department heads (or designated employee) are responsible for making the employee's arrangements, including airline tickets, hotel reservations, and rental cars. All travel arrangements must be approved in advance by the department head.

Documentation Requirements
Documentary evidence, such as receipts or paid invoices is required for all expenses. A written explanation is required prior to reimbursement for expenses that appear to exceed ordinary levels.

Lodging
Reasonable costs for lodging will be reimbursed with a valid receipt. Hotel movies, health club spa, salon, shoeshine or haircut expenses and room service are not reimbursable.

Meals
Meals will be reimbursed according to the receipts. Drinks and snacks between meals will not be reimbursed. Meals will not be reimbursed unless there is an overnight stay.

Entertainment
No entertainment expenses are reimbursable unless specifically authorized by the department head as for necessary City business purposes.

Taxi and Car Services
Taxi fares and car services for City business purposes will be reimbursed to the extent that the fares do not exceed the cost of renting a car to cover the same distance.

Rental Cars
Reimbursement shall be made for a sedan that is necessary for travel to and from an airport or within an area for City business purposes.

Telephone Charges
Telephone charges will be reimbursed if they are incurred in connection with the City's business. Employees who are issued cellular telephones should use their cellular telephone to make any telephone calls while traveling.

Mileage
Authorized job related travel in a personal vehicle must be approved by the Department Head and Mayor prior to departure. Personal car mileage will be reimbursed at the rate allowed by IRS regulations for business purposes. The amount reimbursed will not exceed the equivalent common carrier fair or the cost of renting a car. Any fares incurred as a result of driving or parking violations while on City business will not be reimbursed.

Automobile Tolls and Parking
Automobile tolls and parking expenses incurred for business purposes will be reimbursed.

The City will not reimburse an employee for the travel expenses of the employee's spouse.

4.9 WORKER'S COMPENSATION BENEFITS

Worker's Compensation Benefits

Pursuant to Arkansas Statutes, employees are provided with worker's compensation benefits for injuries or illnesses that occur while on duty. Accumulated sick leave benefits can be used to provide any compensation during absences by on-the-job injuries or illnesses.

The City's Worker's Compensation (WC) program is self-funded and is administered by the Arkansas Municipal League Workers' Compensation Trust (W.C. Administrator). When an employee experiences an on-the-job injury or illness, temporary total disability (TTD) benefits, medical provider bills and other benefit issues are handled by the W.C. Administrator.

All worker's compensation injury or illnesses **must** be reported to the Human Resources Department within ten (10) days of the injury or illness.

Worker's Compensation Temporary Total Disability (TTD) Benefits
Employees who are injured while on the job, can receive TTD Benefits if the are absent from work related to this injury, for seven consecutive days. The TTD Benefits will be 66.67% of the employee's salary. The City will then supplement the remaining 33.33% , allowing the employee to receive 100% of their salary while on worker's compensation leave. The percentage that the city will pay will be deducted from the sick or vacation leave of the employee.

Return to Work Releases
Employees released by their medical provider to return to work are expected to return to work on the date specified on the medical release.

When the employee returns to work, the department head (or authorized designate) **must** notify the Human Resources Department so that proper paperwork may be completed.

Inability to Return to Work
When employees are medically certified as being unable to return to work performing the essential functions of their regular jobs, each situation will be handled individually, on a case-by-case basis.

Generally, the Human Resources Director (or authorized designate) will review the medical documentation, the employer's personnel file, the employee's qualifications, and any other pertinent information, and will schedule a meeting with the employee and the department head and/or supervisor to discuss options for continued employment. If sufficient medical information is not present with which to make a valid determine, an additional medical examination or medical records may be requested.

If it is determined that there is no reasonable option for continued employment, and the employee is not eligible for early retirement from the City's pension fund, employment will be terminated.

Second Job Prohibited While Drawing TTD Benefits
Employees absent from their City job due to a work-related injury or illness and drawing Worker's Compensation Temporary Total Disability benefits who are found to be working for another employer while drawing benefits will be reported to the City's Worker's Compensation Administrator.

SECTION 5

ADMINISTRATIVE POLICIES AND PROCEDURES

5.1 PERSONNEL FILES AND MEDICAL RECORDS

Personnel Files and Medical Records

The Human Resources Department maintains a personnel file and a confidential medical file (if applicable) on all employees. The personnel files contain documentation regarding all aspects of an employee's work history with the City. These files are subject to inspection only by the Human Resources Department or department head (or authorized designate). Employees have a right to review their own files. Employees interested in reviewing their files, should contact the Human Resources Department. If an employee desires a copies of any material in his/her file, the charge per copy is twenty-five cents and must be paid to the City Collector.

Required Information
Employees are required to provide a correct name, social security number, driver's license number (for those positions requiring driving a City vehicle or equipment), current home address, current marital status, number of dependents, beneficiary and proof of eligibility to work in the United States, **and promptly notify HR of any changes**. If the employee has a home phone, the employee must provide the number. If the employee has no home or cell phone, the employee must provide a message number. To ensure that personnel files are up-to-date at all times, the employee is required to notify the supervisor or department head of any changes immediately.

Confidentiality of Medical Information
Medical provider's statements are required to be kept confidential. The Human Resources Department maintains confidential medical records files on each employee in accordance with federal law. These files are kept separate and apart from regular personnel files. All medical evaluations, including medical provider's statements, are maintained in this file. The Human Resources Director is custodian of these records and may disclose such confidential information only under the following circumstance:

- Medical information may be disclosed only to the employee's immediate supervisor and department head when necessary to convey information on work restrictions necessary for accommodations.

- Medical information may be disclosed to government officials investigating the employer's compliance with the American with Disabilities Act.

Freedom of Information (FOI) Requests
Note: The "Custodian of the Records" with regard to official City employee personnel files is the Human Resources Director.

FOIA Covered Records
Except for exempt information, public employees' personnel files are subject to the provisions of the Freedom of Information Act.

FOIA Exempt Records
Exempt from public disclosure are: medical information, birth certificate, scholastic record (transcript), marital status, payroll deductions, social security number, credit union statement, insurance coverage, beneficiary designations, personal histories, religious affiliations, citizenship, information about family life, welfare payments, legitimacy of children, family fights, alcohol consumption, employee evaluations and job performance records (including oral and written counseling and warning records written reprimands), until such records form the basis for suspension or termination and there has been a final administrative resolution of the suspension or termination proceeding and there is a compelling public interest in their disclosure. Certain personal information or identifiers may also be exempt from public disclosure.

Releasing a Personnel Record
When an FOI request has been made for a personnel record, the Human Resources Director, shall, within twenty-four (24) hours of the request, determine whether the records requested are exempt from disclosure and make efforts to the fullest extent possible to notify the person making the request and the employee of that decision. The Human Resources Director, the requesting party, or the employee may seek an opinion from the Arkansas Attorney General who, within three (3) working days of receipt of such request, shall issue an opinion stating whether the decision is consistent with the Act. Employees who intend to seek an attorney general's opinion are requested to provide to the Human Resources Director, a copy of the request and verification of receipt by the Attorney General's office that shows a date and time received by the Attorney General. Nothing in the law prevents the requesting party or the employee from seeking judicial review of the Human Resources decision or the decision of the Attorney General.

Other Requests
Other requests may be made by prospective employers concerning former employees and by subpoena issued by a judge in a federal, state or local court.

Former employees' work histories will be released to prospective employers only upon submission of a signed authorization to release information from the former employee.

Subpoenas for employee personnel and/or medical files will be reviewed by the City Attorney before copying. Copies will be reproduced as directed by the City Attorney.

5.2 SMOKING AND TOBACCO USE

Smoking and Tobacco Use

The health and safety of all employees is of great importance. Compliance with city ordinances, and state or federal occupational safety and health regulations concerning employee's exposure to smoke or fumes in the workplace is mandatory. Employees who do not smoke are entitled to a smoke-free work environment. As an employer, it is the City's responsibility to provide limitations of smoking while on City property, to ensure that non-smokers suffer no injury from side-stream smoking or air pollution from tobacco products. Ordinance 6143 passed by the City Council on June 6, 2005, includes the following provisions.

- Smoking within 10 feet of the City building entrances and exits are prohibited. This includes Pine Bluff City Hall. For purposes of the City, the entire semi-enclosed concrete structure on the ground floor of City Hall, at the foot of the ramp leading to the City Hall Council Chambers and on the south (10th Avenue) side of the Civic Center Complex will be considered an "entrance" and will not be an appropriate place to smoke.
- Smoking in City buildings and City vehicles is prohibited.
- The designated smoking area for employees working in City Hall will be the south (10th Avenue) side of the City Hall building on the first floor.

Employee Responsibility
Employees who smoke or use tobacco products must familiarize themselves with those areas on City premises where smoking is either permitted or prohibited. Employees are to contact the department head with any questions regarding the smoking policy. Smoking in non-smoking areas will not be tolerated. City employees violating the provisions of this ordinance will be disciplined accordingly.

5.3 SOLICITATION

Solicitation

Unless authorized by the Mayor, all solicitations among City employees during working hours charitable or any other purposes, including all selling of tickets, magazines or merchandise of any kind, are hereby prohibited.

5.4 CHAIN OF COMMAND

Chain of Command

Employees should give department heads the opportunity to resolve routine problems prior to seeking assistance from outside of the department. Employees are strongly encouraged to follow the “chain of command” for all routine matters concerning their employment.

Employees having questions or complaints about their job description, pay, job assignment, benefits or any other condition of employment, should consult with their supervisor for working with the employee to solve problems, and securing requested information for the employee in a reasonable amount of time.

Employees may file complaints alleging unlawful discrimination or harassment directly with the Human Resources Director.

Employees having knowledge of any other unlawful, immoral, unethical or unsafe activity in the work place are expected to report it to their supervisor, department head or Human Resources Director, who will investigate and take action on the matter.

Employees will not be disciplined, threatened with discipline, reprimanded, either orally or in writing, for exercising their right to communicate with any elected public official. However, employees who intentionally make untrue allegations are subject to disciplinary action.

5.5 INVESTIGATIONS

Investigations

Investigations shall be conducted concerning allegations of misconduct, discrimination, sexual or racial harassment, performance deficiencies, rule violations or any other matter deemed prudent by management. Investigations may be conducted by the Human Resources Director.

It is required that every employee cooperate to the fullest extent possible with any duly authorized and lawful investigation of events occurring on the City property, during working hours or otherwise. Refusal to comply or cooperate without a valid reason will be considered gross insubordination. The Human Resources Director will determine the validity of a reason given for refusal.

Employees who obstruct or hinder a lawful investigation, or who lie, misrepresent, falsify or manufacture testimony or evidence during a lawful investigation is subject to disciplinary action, including discharge.

5.6 INCLEMENT WEATHER

Inclement Weather

It is imperative that City services be maintained to the fullest extent possible during periods of inclement weather. Inclement weather includes, but is not limited to, storms, snow, ice, sleet, freezing rain, or flood. Employees should make every effort to report to work and/or to remain at work in the event inclement weather occurs during their work schedule, or until notification. All employees are expected to arrive at the work place at their normal times unless conditions prevent them from doing so safely or unless notified to the contrary.

Employees who work in the departments involved in providing essential services to the public during periods of inclement weather, such as sanding streets, barricading streets, repairing traffic lights and other essential duties shall comply with the rules established within their particular departments.

If conditions beyond the employee's control prevent an employee from arriving to work on time, the employee is required to notify the department head, supervisor or authorized designate by the usual required call in time. The department head will have the discretion to determine whether or not the circumstances of a late arrival warrant the time absent as excused or should be charged to an employee's accumulated leave.

5.7 EMPLOYEE DISCIPLINE

Corrective/Progressive Discipline

Progressive discipline may include, verbal warning, written warning (reprimand), suspension and termination. Suspension can with pay pending an investigation.

The goals of progressive discipline are to: inform the employee of inadequacies in performance or instances of improper behavior; clarify what constitutes satisfactory performance behavior; instruct the employee on what action must be taken to correct the performance or behavior problem; and inform the employee of what action will be taken in the future if the expectations are not met.

There are several levels of disciplinary action, each progressively more serious, which may be used to correct employee performance and behavior. Assistance is available from the Human Resources Department. These steps include:

Verbal Warning – An employee may be issued a verbal warning for a performance or behavior problem. Verbal warnings are typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem and what the employee must do to return to satisfactory status. Notes should be kept in the departmental file. The employee should be informed that the conference is being conducted for the purpose of issuing a verbal warning. This ensures that the employee is aware that disciplinary action is taking place.

Written Warning (Reprimand) – Employees may be issued a reprimand. Typically, the reprimand is issued and discussed with the employee in private conference with the supervisor. A copy of the reprimand should be given to the employee and a copy given to Human Resources to be placed in the employee's official personnel file. The reprimand may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.

Suspension – The duration of the suspension should be commensurate with the offense. The suspension should be between one to five days. The suspension form may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed. Additional information and assistance is available from the Department of Human Resources.

Termination – Employees may be discharged for incidents which are serious enough to warrant summary termination, or after less severe disciplinary actions have been taken. It is advisable to terminate an employee in private with his/her supervisor and a representative from the Department of Human Resources. During the conference, the employee is given a letter or memorandum clearly stating the effective date of termination. During the conference the employee is usually given a letter or a memorandum clearly stating the effective date of discharge. When allegations are serious enough for a termination, it is advisable to suspend an employee, pending investigation. This suspension is for the purpose of investigating the problem and conferring with the Department of Human Resources regarding the decision to terminate.

Any disciplinary step may be omitted depending upon the severity of the incident or other relevant circumstances.

The system is not formal, and the City may, at its sole and absolute discretion, deviate from any order of progressive discipline actions and utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. The City policy for discipline in no way limits or alters the at-will employment relationship.

5.8 JOB ABANDONMENT

Job Abandonment

When an employee does not report to work for three consecutive, scheduled workdays and does not communicate with the department as to their whereabouts or intentions regarding the job, the department head should treat the position as abandoned. Prior to taking such action, department leadership is advised to make every reasonable effort to contact the employee to determine the employee's intentions regarding the job. It is strongly recommended that the department send a registered letter to the employee indicating that the City considers the employee to have voluntarily resigned from employment due to job abandonment.

No Call No Show

"No call, now show" is defined as an employee's unauthorized absence from his/her assigned duty station, without notifying his/her immediate supervisor and/or department head of the employee's intent to NOT report. This form of absence is generally deemed inconsiderate, unprofessional and unacceptable. This action shall result in an employee receiving disciplinary actions, up to and including termination.

5.9 APPEALS PROCEDURES

Appeals/Grievance Procedures

Appeals
An employee who can provide credible evidence that their rights have been violated, or who has been suspended without pay, demoted, or terminated from employment with the City of Pine Bluff may appeal the action to the Administration Committee of the City Council, which will make a recommendation to the City Council. A vote of (2/3) two/third's of the whole membership of the Council will be necessary to reverse and override the action or decision of the Mayor or department head giving rise to the alleged violation of rights of the employee's suspension, demotion or termination.

Appeals – How Taken
An appeal is taken by completion of an Application for Appeal form, available through the Human Resources Department. The application must be completed in full, and include:

- A clear and concise statement of the employee's version of the facts which resulted in their rights being violated or in their suspension, demotion, or termination;
- A clear and concise statement of why the employee believes the action taken against them to be unjustified;
- The identity of witnesses the employee contends have knowledge of the facts;
- A list of documents relevant to the appeal, which should be attached to the application, or an explanation of why the documents are not attached and the identity of the custodian of the documents.

Appeals – Time Limit
An Application for Appeal must be completed and submitted to the Human Resources Department no later than five (5) workdays after the suspension, demotion or termination. The Human Resources Director shall promptly open an appeal file and immediately forward a copy of the application to the appropriate department head or supervisor.

Appeals – Response
The department head or supervisor shall submit a response to the Application for Appeal within five (5) workdays of its receipt. The response shall include:

- A clear and concise statement of the facts resulting in the suspension, demotion or termination of the employee;
- A rebuttal to the employee's argument that the action was unjustified;
- The identity of all persons with knowledge of the relevant facts;
- A list of documents relevant to the Response, which should be attached to the Response, or an explanation of why the documents are not attached and the identity of the custodian of the documents.

The original Response shall be filed with the Human Resources Department. The Human Resources Director shall forward a copy of the Response to the employee.

Appeals – Procedure

Whenever possible, the Administration Committee of the City Council will make a recommendation to the full Council based upon the Application for Appeal and the Response. When necessary, the Administration Committee and/or the Council may convene a hearing and receive evidence.

Appeals – Decision of the City Council

- Every effort will be made by the City Council to render a final decision on the appeal in a prompt and expeditious manner. The decision will be in writing and a copy provided to the employee and department head.
- An employee dissatisfied with the final decision of the City Council on his appeal may, under Arkansas law, file a lawsuit with the Jefferson County Circuit Court within thirty (30) days of the decision.

Appeals – Failure to File Timely Application: Failure to Cooperate in Investigation or Appear for Hearing

- Applications for Appeal submitted to the Human Resources Department more than five (5) working days after the alleged violation of rights or the suspension, demotion or termination complained of will be summarily rejected unless the application contains a satisfactory explanation reflecting unavoidable casually or justifiable neglect why the application was not timely filed.
- An employee appealing the suspension, demotion, or termination or other applicable grievance who fails to cooperate with the Administration Committee of the City Council or the full Council or Human Resources Director in the investigation of the appeal or to appear for a hearing convened by the Administration Committee of the Council or the full Council on the appeal shall be deemed to have abandoned the appeal.

SECTION 6

INSURANCE
AND
RETIREMENT BENEFITS

6.1 INSURANCE AND RETIREMENT BENEFITS

Insurance and Retirement Benefits

In General
The purpose of this section is to provide information regarding the major features of the City's current health insurance, life insurance and pension plan for non-uniformed employees. The City reserves the right to add to, delete from, change or terminate any of the benefits and optional payroll deductions or to increase or establish required employee contributions at its discretion. This section is not be interpreted as establishing a contract to retain present levels of benefits. All benefits are subject to change from time to time upon City Council action.

Eligible Employees
At the present time, eligibility for health, life and pension benefits is limited to active, full-time regular employees and their dependents, elected City officials and their eligible dependents.

Optional Insurance
Optional insurance plans such as life, cancer and disability, contracted for individually by the employee and fully paid the employee, may be obtained at a group rate through certain insurance carriers presently approved to receive payments through payroll deduction. Representatives of such plans are authorized to contact employees on the job only at specific times authorized by the department heads. Information regarding insurance plans currently authorized for payroll deduction privileges can be obtained from the Department of Human Resources.

6.2 NON-UNIFORMED EMPLOYEES RETIRMENT PLAN

Non-Uniformed Employees Retirement Plan

This is a summary explanation of the retirement system that has been established for qualifying non-uniformed employees of the City of Pine Bluff.

Eligibility and Participation

Eligibility
A "Regular Employee" is each non-uniformed employee of the City who works more than 30 hours per week and is not an elected official.

Employees for the Pine Bluff Police Department and the Pine Bluff Fire Department that are eligible for benefits or membership or any other retirement system or plan (other than Federal Social Security are not eligible to participate in the System.

Retirement Dates and Benefits

Years of Service
The amount of a Member's retirement allowance, and his eligibility to receive benefits, are related to his Years of Service. A "Year of Service" generally means each 12 month period of employment:

A) by a Regular Employee during which he regularly performs 30 or more hours of service per week and is employed on the last day of this period;
B) by an Elected Official during which he renders service and is employed on the last day of the period.

The first 12 month measuring period begins on the day the Member first reports to work. Subsequent measuring periods begin on this same date of each following year.

Final Average Compensation
A Member's annual monthly retirement allowance is also based on his "Final Average Compensation." Final Average Compensation for a Regular Employee is the employee's average monthly compensation for the three consecutive calendar years during his last ten years of employment with the City in which his total compensation for the three year period was the highest. Final Average Compensation for an Elected Official is the average monthly compensation of the official for his last three calendar years of employment with the City, even though these years of employment are not consecutive.

Normal Retirement
A Regular Employee qualifies for a normal retirement allowance on the earlier of the date he has:

A) completed 10 years of service *and* attained age 65, or
B) completed 20 years of service *and* attained age 55, or
C) completed 28 years of service regardless of age.

An Elected Official qualifies for a normal retirement allowance once he has completed 10 years of service and attained age 55.

Monthly Benefit-Regular Employee

A regular employee's normal retirement allowance is equal to a monthly benefit of 2.1% of his Final Average Compensation multiplied by his years of service since 1989 (including 1989), and 3.2% of his Final Average Compensation multiplied by his years of service before 1989. For example, if a regular employee with 21 years of service became eligible for a normal retirement allowance on January 1, 2001 and his highest three consecutive calendar years of compensation during his last 10 years of employment were:

1998	$23,500
1999	$24,000
2000	$24,500
	$72,000
	÷ 36 Months
Final Average Compensation	$2,000

his monthly annual retirement allowance would equal $1,080, computed as follows:

2.1% x $2,000 x 12 years of service	= $504
3.2% x $2,000 x 9 years of service	= $576
Total	$1,080

This would be an annual retirement benefit of $12,960 ($1,080 x 12)

Monthly Benefit Elected Officials

An Elected Official's normal retirement allowance is equal to a monthly benefit of 50% of his Final Average Compensation.

Monthly Benefit-Dual Status

If a member has been employed both as an Elected Official and a Regular Employee, his normal retirement allowance is computed in a manner in which results in a benefit which is larger of the two benefits.

Beginning Date

A member's normal retirement allowance will begin to be paid (or if permitted to be paid in a lump sum) to him on the first day of the month following the date on which he has satisfied the age and service requirements for the benefit and terminated employment, or as soon as is administratively practical following the date.

Early Retirement

A regular employee qualifies for early retirement allowance once he has completed 10 years of services and attained age 50. Elected Officials are not eligible for an early retirement allowance.

Disability Retirement
A member who has completed 10 years of service and becomes disabled is eligible to receive a disability retirement allowance. "Disabled" means that the member, because of physical or mental disability, is unable to perform the duties of his customary position of employment or is unable to engage in any substantial gainful activity for an indefinite period which the Retirement Board considers will be of long continued duration. The Retirement Board may require a member to submit to physical examination by more than one physician in order to confirm initial disability and continued disability.

Deferred Retirement
If a member terminates employment with 10 or more years of service but he is not old enough to qualify for a normal retirement allowance, he can qualify for a deferred retirement allowance by electing not to receive his contributions plus interest as a termination benefit. The member will become eligible to receive the deferred retirement allowance when he attains the age requirement for the normal retirement allowance he would have received if he had continued to work. If this member is re-employed by the City and required to further participate in the System, he will continue to accrue benefits under the System based on his years of service at the time of his termination of employment plus his years of service after his re-employment.

Forms of Benefit Payments

Married Definition
A "Married Member" is a member who has been married continuously for the one year period prior to his death or other payment event for which marital status is relevant. An "Unmarried Member" is a member who is unmarried or has been married continuously for less than one year prior to his death or other payment event for which marital status is relevant.

Retirement Allowance Payment Form
Unless the Retirement Board permits an unmarried member to elect lump sum payment, and unmarried member's normal, early or deferred retirement allowance will be paid to them in single life annuity form, which means in monthly payments for the remainder of their life only. An unmarried member can elect to have his normal, early or deferred retirement allowance continue to be paid after their death in joint and one hundred (100) percent survivor annuity form to a designated beneficiary for the beneficiary's lifetime.

Disabled Member Annuity
A disability retirement allowance is paid only in monthly payments and only for so long as the member is disabled. If a member is still disabled at the date at which they would have otherwise become eligible to receive a normal retirement allowance had they continued in employment with the City, they will continue to receive the disability allowance until death regardless of his recovery from disability.

Lump Sum
A member may request in writing that the Retirement Board make payment of 25%, 50%, 75% or 100% of his normal, early or deferred retirement allowance (but not a disability retirement allowance) in a lump sum form if the lump sum will be in excess of $5,000. In this event, if the Retirement Board determines that payment of the allowance in lump sum form will not harm the soundness of the System, lump sum payment will be made and the balance in annuity form. If the value of an allowance is $5,000 or less, it must be paid in lump sum form and will not be

paid as an annuity**.** If a Member elects to take a 100% lump sum payment, there will be further payments from the System to the Member, his spouse or beneficiary for any reason.

Death Benefits

Normal Retirement Member
If a member dies after having become eligible for a normal retirement allowance but before the allowance has begun to be paid (or if permitted, been paid in lump sum) to them, their spouse (if a married member), or his designated beneficiary (if an unmarried member) will be paid a death benefit. The death benefit will be a monthly payment to the spouse, or designated beneficiary, for their life, which is the equivalent of the benefit the deceased member would have otherwise received.

Age 50/10 Years of Service Member or 20 Years of Service Member
If a married member who has either attained age 50 and completed 10 yeas of service or completed 20 years of service regardless of age, dies before a retirement allowance has begun to be paid (or if permitted, been paid a lump sum) to them, their spouse will receive a monthly death benefit until their death. If an unmarried member who has attained age 50 and completed 10 years of service dies before a retirement allowance has begun to be paid (or if permitted, been paid in lump sum) to them, his designated beneficiary will receive a monthly death benefit until their death.

Lump Sum Alternative
If the lump sum value of a death benefit is $5,000 or less, it will be paid in lump sum form and not in annuity form. A spouse or designated Beneficiary may request in writing that the Retirement Board make a payment of an annuity death benefit. If the Retirement Board (in its sole discretion) determines that payment of this death benefit in lump sum form will not harm the soundness of the System, this death benefit will be paid to them in lump sum form.

Disabled Member Survivor
If a marred member receiving a disability retirement allowance dies, 50% of his monthly disability allowance payment will continue to be paid to his then spouse for the remainder of their life, after the spouse's death, in equal shares to the children who are under age 22 at each monthly payment date until the last child attains age 22. If an unmarried member receiving a disability retirement allowance dies, 50% of their monthly disability allowance will continue to be paid in equal shares to each of their then living children who are under the age 22 at each monthly payment due until the last child attains age 22.

Member Under Age 50/Less than 10 Year of Service
If a married member who has not attained age 50 or has not completed 20 years of service dies while employed by the City, their spouse will receive a lump sum death benefit equal to their Contributions plus interest. If an unmarried member who has not attained age 50 or has not completed 20 years of service, dies while employed by the City, this same lump sum death benefit will be paid to the member's designated beneficiary.

Other Benefits

Contributions Plus Interest
"Contributions Plus Interest" means the amount of contributions made to the System by a member, plus simple interest accrued at the rate stated in the System through termination of employment or date of death, whichever is applicable. The current simple interest rate is 5 per cent per year.

Ten or More Years of Service
If a member terminates employment with 10 or more years of service but has not satisfied the age requirements for an early or normal retirement allowance, he can elect to receive his Contributions plus Interest as soon after their termination of employment as it is administratively practical for the System to make payment. Alternatively, they may elect to receive a deferred retirement allowance.

Less than 10 Years of Service
If a member with less than 10 years of service terminates employment with the City for any reason, they have no retirement allowance options and will be paid their Contributions plus Interest as a termination benefit. Payment will be made as soon after the termination of employment as it is administratively practical for the System to make payment.

Effect of Past Service
A member who is paid his Contributions plus Interest as a termination allowance (even though not at their option) loses all credit for past years of service if they are rehired by the City. In this event, he re-enters the System as a new member with no past years of service employment history with the City.

Minimum Benefit
If the total amount of benefits paid under the System as a member (and his spouse, designated beneficiary or children, as and if applicable) is ever less the member's Contributions plus Interest, the difference between these two amounts will be paid in a lump sum to the member's designated beneficiary as soon as it is administratively practical for the System to do so. If no designated beneficiary is on file with the retirement board, then the difference will be paid in a lump sum to the member's then surviving children in equal shares, or if none, to the probate estate.

No Other Benefits
No other benefits other than those that are specifically described for a situation are payable under the System. For example, if a member receives payment for their normal retirement allowance in a lump sum form, or elects to receive payment of their Contributions plus Interest, as applicable, there will be no further benefits paid from the System to the member, his spouse or beneficiary for any reason.

SECTION 7

LEAVE AND TIME OFF BENEFITS POLICIES AND PROCEDURES

7.1 SICK DAYS

Sick Days

Paid sick leave is a benefit provided to our employees who may be unable to work due to illness or injury. Sick leave is accrued at a rate of one (1) day per month, equal to twelve (12) days per year. Paid sick leave does not accrue during any period of unpaid leave of absence. Employees are eligible for paid sick leave as days are accrued.

Use of sick leave, other than illness or as otherwise authorized in this section, is prohibited and cause for restriction of sick leave and other disciplinary action, including termination. Use of sick leave for more than three (3) consecutive workdays must be verified by a doctor's statement of necessity. If a doctor's statement is not provided, days taken will be leave without pay.

At the end of each fiscal year, employees may accumulate and carry over up to ninety (90) working days of sick leave. Absence due to illness shall be charged in the following manner unless otherwise instructed under written instruction of the Department of Human Resources:

A. Earned sick leave;
B. Earned vacation leave;
C. Leave without pay.

Upon retirement or death of an employee that has unused accumulated sick leave, that employee shall be paid for such sick leave at the regular rate of pay in effect at the time of retirement or death, provided, however, that payment for unused sick leave shall not exceed four-and-one-half (4 ½) month's salary.

Family Sick
An employee may use a maximum of five (5) days of sick leave each year for a serious illness (family member must be hospitalized) or emergency injury to a family member of the employee's immediate family, or for paternity leave (exclusive of time allowed under the Family and Medical Leave Act of 1993). For purposes of this section "immediate family" means current spouse, child, mother, father, sister or brother. Paid sick leave benefits charged for absences to care for immediate family members are included in the employee's attendance record. Medically-verified FMLA qualifying and designated leave is not counted when determining abuse of sick leave or unsatisfactory attendance.

Unused Sick Leave Bonus
Upon accumulation of ninety (90) days of sick leave, employees are eligible to receive $20.00 per day for all days over ninety unused. Absences that have been designated as FMLA leave shall not be counted in the number of sick leave absences for purposes of calculating eligibility for bonus payments. Sick leave bonuses should not exceed $240.00 per year. Payment shall be made on or before January 31 of each year following the year in which the sick leave was earned and not used. Paid sick leave does not accrue during any period of unpaid leave of absence. Employees are eligible for paid sick leave as days are accrued.

Negative Sick Leave Balance

If an employee has a negative sick leave balance and a positive vacation leave balance, the negative leave balance will be deducted from the positive leave balance.

7.2 ABUSE OF SICK LEAVE

Abuse of Sick Leave

Abuse Defined
Employees are expected to be available for work during all hours they are scheduled to work unless a legitimate medical condition incapacitates them or an emergency occurs beyond their control. The ability to maintain a regular and predictable record of attendance and punctuality is an essential function of every City position. A pattern of regular absence from work, tardiness or failures to answer call-outs or to work overtime without proper medical verification of the need may result in corrective action, including discharge. The City cannot reasonably anticipate all the conceivable patterns of sick leave use that may constitute abuse. Examples of incidents or patterns which may be defined as abuse include, but are not limited to the following:

- calling in sick in excess of seven (7) consecutive instances without medical certification during any twelve month period;
- calling in sick on Mondays and Fridays;
- calling in sick the days preceding and following holidays;
- calling in sick when workloads are known to be heavy, work is undesirable, interpersonal conflicts exist, or other conditions exist which may indicate to the department head that the employee is fraudulently claiming sickness to avoid work;
- calling in sick after expressing desire to take off work when no other paid leave is available;
- calling in sick after request to be off was denied;
- remaining absent from work when the employee's or City's medical provider certifies the employee is able to return to work and can perform essential functions of the employee's regular position, or the equivalent, which includes maintaining a record of regular and predictable attendance;
- coming in late or leaving early frequently, claiming sickness;
- taking the entire work day off for a doctor's appointment when not incapacitated or required by medical necessity to remain absent the remainder of the day; or
- any other absence using sick leave, without proper medical verification of the need, that negatively impacts the performance of the employee or the efficiency of the department.

Exception
Absences or tardiness designated as FMLA leave shall not be counted in the number of sick leave absences for purposes of calculating sick leave abuse.

Restrictive Sick Leave
When an employee is found to have utilized his/her sick leave in an unauthorized manner, then the department head may restrict use of sick leave benefits of the employee not to exceed a period of six (6) months.

A. A department head may request the Department of Human Resources to evaluate the average sick leave utilization for the department or the work unit affected for a specific time period. If the employee is above the average utilization of sick leave for that department, then the department head may impose restrictions upon the sick leave benefits of that employee. Those restrictions should not exceed the average of the period of time that was evaluated.

B. Examples of restricted sick leave is seven (7) consecutive days per employee for a period of six months (evaluated time) and the average sick leave taken for the employee who is in violation of the policy is ten (10) days, then the employee could be placed on restrictive sick leave not to exceed six (6) months. The department head could request a return to work certificate from a physician during the six (6) month restrictive leave period, before the employee could be paid for that sick time. However, if the employee does not provide proper documentation for the sick leave, that time would be counted as time off without pay.

C. Sick leave is evaluated by computing all sick leave taken with a six-month period times number of employees in a given time or department.

D. The City reserves the right to request a doctor's certificate of release any time an employee utilizes sick leave for a period of more than three (3) consecutive days.

Doctor's appointments should be scheduled with as little inconvenience to their area of work as possible. Sick leave can not be used for other appointments. Sick leave may be taken in increments of ½ day. Accumulated sick leave is reimbursed upon retirement only.

Misrepresentation of Incapacity or Inability to Work
Employees absent from their City job and found working for another employer during the same time are not eligible to use paid sick leave benefits.

If it is determined an employee is performing work for another employer while claiming incapacity or inability to work, the employee may be subject to disciplinary action, including discharge and may be required to refund any sick leave benefits received.

7.3 VACATION LEAVE

Vacation Leave

Scheduling and Approval
Routine requests for vacation leave must be scheduled as far in advance if possible and at times and in increments that cause the least interference with the departmental operations and the employee's work. If necessary, department heads may establish limits on the consecutive number of days an employee may use of vacation leave in a period of time, except when vacation leave is being used because paid sick leave is not available. Request for leave may be denied if the employee has not complied with the required advance notice requirements of the department, or when the dates requested could adversely affect the efficient operation of the department.

Conflicts in Requests for Leave
The scheduling of annual and discretionary leave shall be by employee preference to the extent permitted by the reasonable service needs of the City and the department. If it is necessary to limit the number of employees on leave at any one period of time, the employee whose request was received first will be given preference. If two or more requests are received from employees with same or similar rank at the same time for the same period of time, the employee with the greatest seniority shall be given preference. In departments where employees are all required to schedule vacation leave for the forthcoming year at the same time, seniority, time in rank or position, or any other fair and non-discriminatory method of assignment may determine preference.

Earning Schedule
Eligible employees begin to earn paid vacation leave benefits starting on the month after the date of hire. Vacation leave shall be earned according to the following table.

Years of Service on Anniversary Date (From Date of Hire)	Annual Earning Rate	Monthly Earning Rate
Up to 1 year	6 days	½ day
1 - 10 years	12 days	1 day
10 - 15 years	18 days	1 ½ days
15 - 20 years and over	24 days	2 days

Accrual and Accumulation
Vacation leave may be accrued to a maximum of forty-five (45) working days. Accumulated vacation leave benefits exceeding forty-five (45) days shall not be carried over beyond the end of each calendar year. A form requesting vacation time will be supplied by the department head or the Human Resources Department. This form should be completed and presented to the immediate supervisor for approval. In the event a holiday falls within a vacation period, the additional day or days of vacation will be allowed. Accumulated vacation days not to exceed forty-five (45 days) days, will be reimbursed upon resignation, retirement or at the end of

employment. Paid vacation leave does not accrue during any period of unpaid leave of absence. Employees are eligible for paid vacation leave as days are accrued.

Payment for Unused Vacation Leave
Employees shall be paid for unused vacation leave up to a maximum of forty-five (45) days at the time of separation from City employment.

Negative Vacation Leave Balance
If an employee has a negative vacation leave balance and a positive sick leave balance, the negative leave balance will be deducted from the positive leave balance.

7.4 MATERNITY LEAVE

Maternity Leave

An employee may take a maximum of four (4) months unpaid maternity leave and for any attendant disability while retaining employment rights. The employee may choose to exhaust available sick or vacation to run concurrently with unpaid maternity leave.

A. The leave will begin either at the recommendations of the employee's attending physician(s), or at the request of management based on the employee's productivity, safety, attendance or other work related factors.

B. Expectant mothers may continue working as long as they are:
   1. Able to satisfactorily perform their regular job duties; and
   2. Able to attend work regularly.

C. When an employee discovers she will need to use maternity leave, she should notify her department head as soon as possible.

7.5 DEATH IN THE IMMEDIATE FAMILY LEAVE

Death in the Immediate Family Leave

Provisions
Full-time regular employees experiencing a death in their immediate family may request up to three (3) days leave as necessary for making funeral arrangements, attending the funeral, travel to another City or other valid reasons occasioned by the death of a member of the immediate family. Death in the immediate family leave does not accumulate or carry over from one year to another year. Sick leave shall not be used for death in the immediate family leave.

Immediate Family Defined
Immediate family for purposes of death in the family leave is defined as spouse, child, stepchild, parent, sibling, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepbrother or stepsister or domestic partner.

For other deaths in the family that are not defined as immediate, the employee may take one (1) work day.

If additional time is need the employee should take vacation.

7.6 JURY AND WITNESS PAY

Jury and Witness Pay

Jury Duty
If an employee is notified to appear for jury duty, a leave of absence with pay will be granted at the employee's regular rate of pay. Employees will be required to provide a copy of the court summons for jury service and should request some kind of written verification from the court following jury duty stating the actual time spent for jury selection and jury duty. This verification should be presented to the department head upon return to work. The employee is expected to come to work when the jury duty doesn't last all day and the employee is close enough to the work site to return to work. The City will pay the difference between the jury pay and their regular rate of pay. In order to be eligible for jury pay, you must submit your pay receipt showing the amount of pay received for jury duty to your department head. Employees must notify their Supervisor or department head as soon as notice is received.

Witness Duty
If an employee is required by summons, subpoena, court order or department head directive to appear as a witness in any judicial or quasi-judicial proceeding involving city business during working hours, the employee will be paid for the necessary time served by providing the department head with the notice to appear and shall be granted an administrative leave with pay for such absence.

If an employee is required by summons, subpoena, or court order, to appear as a witness in any judicial or quasi-judicial proceeding for other than City business during working hours, the employee will be granted vacation leave for the necessary time served by providing the department head with the notice to appear. If the employee has no paid vacation leave available, the employee will be granted time off without pay.

7.7 MILITARY LEAVE

Military Leave

Provisions
The following policy conforms to Arkansas Statutes 21-4-102 and the United States Employment and Re-employment Rights Act (USERRA)--neither have been included in their entirety. For complete information on specific details it will be necessary to consult the Arkansas Code or USERRA provisions. If there is any conflict between this policy and either law, the law will prevail. If there is a conflict between Arkansas Statutes and USERRA's provision, USERRA will prevail.

Annual Training and Duties Performed in an Official Duty Status
Any employee who is a reservist or member of the National Guard, who desires or is ordered to participate in the military training programs made available by the National Guard or any of the reserve branches of the armed forces, shall be entitled to a paid leave of absence for a period of fifteen (15) days plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one (1) calendar year. Necessary travel time is calculated based on the authorized mode of travel listed on the employee's orders and the Official Table of Distances published by the federal government.

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 the calendar year. The employee shall be entitled to his regular salary during the time he is away from his duties while in a leave of absence. Such leave of absence shall be in addition to the regular vacation time allowed to the employee.

Whenever any employee of the City is granted military leave for a period of fifteen (15) days per calendar year, the unused military leave will accumulate for use in succeeding calendar years until it totals fifteen (15) days at the beginning of the calendar year, for a maximum of military leave days available in any one (1) calendar year to thirty (30) years.

An employee who is scheduled to attend drill during scheduled work days may elect to count this time towards meeting the allotment mentioned above. After an employee has exhausted his allotted military paid leave days in the calendar year, his participation in annual training programs or assignments shall be considered as leave without pay for the remainder of that calendar year, unless the employee opts to use available paid annual or personal leave.

Employee called to duty in emergency situations by the Governor or by 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 all other leave the employee shall be entitled to. "Emergency situations" as defined by Arkansas Statutes §21-4-212 (e), are "any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order."

During a military leave of absence, the employee shall be entitled to 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.

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

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.

The right of re-employment shall conform to all federal and state government rules regulations.

An employee who enlists or re-enlists for a second consecutive tour of military duty shall be deemed to have forfeited his re-employment rights.

Notification Requirements
The employee shall be required to furnish the department head with copies of military orders or other appropriate verifying documentation as soon as possible after the employee receives it.

Record Keeping Requirements
Copies of all military orders shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

A copy of the orders or other qualifying documentation must also accompany the bi-weekly time sheets to the Finance Department, with the days the employee is absent from work so noted in the section provided, or in the "Comments" section regarding each employee.

Reinstatement Following Active Duty
Re-employment rights and benefits and other employment benefits are conditioned on:

- The employee or an appropriate officer of the uniformed service in which service is performed providing advance written or verbal notice of such service to the department head, unless such notice is precluded by military necessity or, under the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this policy shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review;
- The cumulative length of the absence and all previous absences from a position of employment with the City by reason of service in the uniformed services does not exceed five (5) years, except for reasons described in USERRA; and
- The employee reporting to the department head or submitting an application for re-employment to the department head within the period of time set out above.

Employees who have been on active duty military leave of absence in a uniformed service shall be re-employed in the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment. Such reinstatement is conditioned on the employee making application within ninety (90) days after the effective date of unconditional release from military service active duty or, if hospitalized, not more than one (1) year after discharge from hospitalization.

Reservists ordered to initial active duty for less than twelve (12) weeks have thirty-one (31) days from the date of release after satisfactory service to apply for re-employment.
No application for re-employment is required by law for reservists or members of the National Guard who perform weekend, annual, or special duty training.

An employee may not be re-employed if the City's circumstances have changed so as to make such re-employment impossible or unreasonable or such re-employment would impose an undue hardship on the City, or the department from which the person leaves.

Definitions
The term "uniformed services" means the Armed Forces (Army, Navy, Marines, Coast Guard), the Army National Guard and the Air National Guard when engaged in active duty for training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

"Active service" or "active duty" includes any period while on military service during which a person is absent from duty on account of sickness, wounds, authorized leave or other lawful cause.

"Period of active military services" is the time between the date of induction into active duty and shall terminate with death, or a date thirty (30) days immediately next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever shall occur first.

"Service" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes: active duty, active duty for training, initial active duty of training, inactive duty training, full-time National Guard, fitness of the employee for the purpose of performing funeral honors duty.

"Benefit", "benefit of employment", or "rights and benefits" means any advantage, profit, privilege, gain, status, account or interest (other than wages and salary for work performed) that accrues by reason of any employment contract or an employer policy, plan or practice and includes rights and benefits under a pension plan, a health plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, and vacations.

"Seniority" means longevity in employment, together with any benefits of employment that accrue with, or are determined by, longevity in employment.

Discrimination against persons who serve in the uniformed services and acts of reprisal for such service is prohibited. Complaints of such discrimination are taken seriously and will be investigated and appropriate action taken.

7.8 FAMILY MEDICAL LEAVE ACT

Family Medical Leave Act

Provisions
The Family Medical Leave Act of 1993 (FMLA) became effective August 15, 1993, and provides eligible employees unpaid medical leave as needed up to twelve (12) weeks per calendar year for qualifying reasons. This policy may be revised from time to time when revisions are made by Congress or the Department of Labor.

Eligibility
Any employee who has been employed at least 12 months (need not have been consecutive) and has actually worked at least 1,250 hours during the 12 months immediately preceding the date of the commencement of the leave is eligible for up to twelve weeks of unpaid FMLA leave. All classes of employees are eligible providing they meet the foregoing requirement and the need for leave is verified by the medical provider. In calculating the twelve month period in which the eligible employee may use up to twelve weeks unpaid leave, the City uses a "rolling year." That is, no employee may take in excess of twelve weeks unpaid leave in any twelve month period,

Husband and Wife Both Employed by the City
A husband and wife who both work for the City, who are eligible for FMLA leave may be limited to a combined total of 12 weeks of leave during any period if the leave is taken for the birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care, or to care for the child after placement; or to care for the employee's parent with a serious health condition. For example, if each spouse took 6 weeks of leave to care for a healthy newborn child, each could use an additional 6 weeks due to his or her own serious health condition or to care for a child with a serious health condition.

Military Employees Returning from Active Duty
A member of the National Guard or Reserve who is absent from employment for an extended period of time due to active military service and who requests FMLA leave shortly after returning to City employment may not have actually worked for the City after return for a total of 12 months or may not have performed 1250 hours of actual work in the 12 months prior to the start of the FMLA leave. Pursuant to a Memorandum dated July 22, 2002 from the U.S. Department of Labor, an employee re-employment following active duty military service would be entitled to FMLA leave if the hours that he or she would have worked for the City during the period of active military service would have met the FMLA eligibility threshold. Therefore, in determining whether a veteran meets to FMLA eligibility requirement, the months employed and the hours that were actually worked for the City should be combined with the months and hours that would have been worked during the twelve months prior to the start of the leave requested but for the military service.

Notification of Need for FMLA Leave
The request and notification requirements for FMLA leave are the same as those for requesting other types of paid leave. Written notice must be provided thirty (30) days prior to a forseeable leave, such as childbirth, adoption, or planned medical treatment. However, if emergency conditions prevent thirty (30) days notification, you must notify your department head or

supervisor as soon as possible, preferably within fifteen (15) days of the emergency. When leave is needed for an immediate family member or the employee's own illness, and the leave is for planned medical treatment, the employee must try to schedule such treatment so as not to unduly disrupt the department's operations.

Medical Provider Certifications of the Need for FMLA Leave
The medical provider certification to verify a serious health condition for FMLA leave are the same as required for eligibility for sick leave benefits. Employees must provide medical verification of the need for medical leave. If the City disagrees with the medical opinion provided by the employee's medical provider, the City, at its expense, may ask for a second medical opinion. The medical provider for the third medical opinion will be selected jointly by the City and the employee. The third medical opinion will be binding on both parties.

Medical Provider Release to Return to Work
A medical fitness for duty release is required for all employees who return to work from medical leave of any kind that exceeds three (3) working days, including FMLA leave.

FMLA Qualifying Events

- The birth of a son or daughter and to care for the newborn child. Circumstances may require that leave begin before the actual date of the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. Leave for the birth of a child must be concluded within 12 months after the birth.

- The placement of a son or daughter with the employee for adoption or for foster care. (Foster care is defined under the Act to require State action, rather than just an informal arrangement to care for another person's child). Leave can also begin before the actual placement or adoption of a child if an absence from wok is required for the placement for adoption or foster care to proceed. Leave for adoption or foster care must be concluded within 12 months after the event.

- The employee is needed to care for the employee's spouse, child, or parent with a serious health condition.

- A serious health condition that makes the employee unable to perform the functions of the employee's job. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. The City may, in requiring certification from a health care provider, provide the employee's medical provider a statement of the essential functions of an employee's position for the medical provider to review.

- The employee has a spouse, parent, or child who is in or has been called to active duty in the Armed Forces, when they experience a "qualifying exigency." By it express terms, this provision of the NDAA is not effective until the Secretary of Labor issues final regulations defining "any qualifying exigency."

- The employee has a spouse, parent, child, or next of kin of service member who incurred a serious health injury or illness on active duty in the Armed forces may take up to **26 weeks** of leave to care for the injured service member in a 12 month period (in combination with regular FMLA leave).

FMLA leave entitlements for medical reasons are predicated upon the existence of a serious health condition of the employee or qualified family member, as defined by the Act.

For purposes of confirmation of family relationship, the City may require the employee giving notice of the need for leave to provide reasonable documentation or statements of family relationship. This documentation may take the form of a simple statement from the employee, a child's birth certificate, a court document, etc. The employer is entitled to examine such documentation and the employee is entitled to the return of the official document(s) submitted for this purpose.

Definitions

"Spouse" means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

"Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child as defined below. The term does not include parents "in law.

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of mental or physical disability"

"In loco parentis" means a person with day-to-day responsibilities to care for and financially support a child or, in the case of an employee who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs).

Activities of daily living" (ADLs) include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating.

"Instrumental activities of daily living" (IADLs) include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

"Physical or mental disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined by 29 CFR § 1630.2(h), (i), issued by the Equal Employment Opportunity Commission under the American with Disabilities Act (ADA), 42 U.S.C. 12101 et seq. And U.S. Supreme Court decisions in 2001 and 2002 and any subsequent court decisions that further define the term.

"Incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition treatment therefore, or recovery there from.

"Chronic serious health condition" is one which requires periodic visits for treatment by a health care provider or by a nurse or physicians assistant under direct supervision of a health care provider, that continues over an extended period of time (including recurring episodes of a single underlying condition); and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

"Intermittent Leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason.

"Reduced Leave Schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

"Serious Health Condition" for purposes of FMLA, means an illness, injury, impairment, or physical or mental condition that involves the following:

A. In Patient Care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity, or subsequent treatment in connection with such inpatient care; OR
B. Continuing Treatment by a Health Care Provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
    - a period of incapacity of more than three(3) consecutive calendar days, AND any subsequent treatment or period of incapacity relating to the same condition, THAT ALSO INVOLVES treatment two (2) or more times by a health care provider, a nurse or physician's assistant under direct supervision of a health care provider or by a health care provider of health care services (e.g., physical therapist) 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;

    - any period of incapacity due to pregnancy, or for prenatal care;

    - any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

    - a period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective; the employee or family member must be under the continuing supervision of, but need to be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease; or

    - any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or

for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc., severe arthritis (physical therapy), kidney disease (dialysis).

"Unable to Perform the Essential Functions of the Position" The employee is incapacitated or unable to work or is unable to perform any one or more of the essential functions (job duties or physical requirements) of the employee's position within the meaning of the Americans with Disabilities Act (ADA).

An employee who must be absent from work to receive medical treatment for a "serious health condition" is considered to be unable to perform the essential functions of the position during the absence for treatment.

"*Treatment"* includes, but is not limited to, physician care, examinations to determine if a "serious health condition" exists and evaluations of the condition. Treatment does not include routine physical, eye, or dental exams.

Regimen of Continuing Treatment" includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

Common Ailments Not Covered
Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal diseases, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Cosmetic Treatment
Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are considered serious health conditions provided all the other conditions of the FMLA are met.

Substance Abuse Treatment
Substance abuse may be a serious health condition if other conditions of the FMLA regulations are met. However, FMLA leave may only be taken for treatment of substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. Treatment for substance abuse does not prevent the City from taking employment action against the employee in cases involving disciplinary actions against the employee. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

Pregnancy or Prenatal Care
Absences attributable to incapacity due to pregnancy or for prenatal care may qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) working days. For example, an employee who is pregnant may be unable to report to work because of severe morning sickness.

Chronic Conditions
Absences attributable to incapacity due to a chronic serious health condition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to onset of an asthma attack, or a pregnant employee may be unable to report to work because of severe morning sickness.

Substitution of Paid Leave
An employee may choose to use sick or vacation leave to run concurrently with Family Medical Leave. If an employee is taking Family Medical Leave for the illness of a immediate family member, they must take vacation. If the employee is taking Family Medical Leave for themselves, they must take vacation leave.

Intermittent Leave or Reduced Work Schedule
Intermittent leave may be taken for a serious health condition that requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from fifteen minutes or more to several weeks. Only the hours not worked are charged to unpaid FMLA leave being substituted and charged concurrently with paid leave.

Employee's needing intermittent leave or leave on a reduced work schedule must attempt to schedule their leave so as not to disrupt their department's operations. In addition the department head may temporarily assign an employee to an alternative position with equivalent pay and benefits to better accommodate the employee's intermittent or reduced leave schedule.

To be eligible for intermittent leave or leave on a reduced work schedule, there must be a medical need for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced work schedule. The treatment regimen and other information provided in the medical certification of the serious health condition meets the requirement for certification of the medical necessity for intermittent leave or a reduced work schedule.

For Medical Treatments
When medically necessary for planned or unanticipated medical treatment of a serious health condition by or under the supervision of a health care provider, recovery from treatment of a serious health condition, FMLA leave may be taken intermittently or on a reduced schedule.

For Periods of Incapacity
Intermittent or reduced schedule leave may be taken for absences where the employee, spouse, child, or parent is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment at that time by a health care provider.

For the Care of Spouse, Child, Parent with Serious Health Condition
With medical certification in a form approved by the City, intermittent leave or a reduced work schedule may also be taken to provide care or psychological comfort to a spouse, child or parent with a condition meeting the definition of a "serious health condition." Medical statements shall certify:

- that such leave is medically necessary; and
- the expected duration and schedule of such leave; and
- the type of care of psychological comfort that the employee is to provide.

For Birth or Placement of a Child for Adoption or Foster Care
An employee may take leave intermittently or on a reduced work schedule after the birth of a child or for care of the child or for placement of the child for adoption or foster care only if the department head agrees to permit intermittent leave or a reduced work schedule. The department head's agreement is not required, however, for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

Department Head Responsibility
In all circumstances, whether requested in advance or unforseen, it is the responsibility of the department head (or the department head's authorized designate) to:

- determine if absences may be FMLA-qualifying and if so,
- determine if the employee is eligible for FMLA leave;
- designate the leave, foreseen and unforeseen, paid or unpaid, as FMLA qualifying leave; and
- give written notice of that designation to the employee.

Such designation is based on information provided by the employee. If the employee is incapacitated, the information must be provided by the employee's spokesperson (the employee's spouse, adult, child, parent, doctor, etc.) If the supervisor or department head does not have sufficient information about the reason for an employee's absence, the supervisor or department head shall inquire further of the employee or the spokesperson to ascertain whether or not the absence should be designated as FMLA leave. Once the department head (or authorized designate) has acquired knowledge that the leave is being taken for an FMLA reason, the department head (or authorized designate) must promptly (within two business days without extenuating circumstances) notify the employee whether the leave is FMLA qualifying and whether or not the employee is eligible for FMLA.

Employee Responsibility
Employees giving notice of a need for medical leave for themselves or an immediate family member must provide sufficient information to enable the department head (or authorized designate) to determine whether the employee is eligible for paid leave and/or whether or not the leave qualifies under the FMLA. If the employee fails to provide sufficient information to make this determination, paid leave or unpaid FMLA leave may be denied. In such cases, the employee will be required to provide sufficient information to enable the department head to determine whether or not the employee is eligible for paid leave and/or whether or not the reason for this leave is FMLA-qualifying and should not be denied. With sufficient information, the department head will authorize the appropriate paid leave benefit to be paid. If the need for leave is determined to be FMLA qualifying, the appropriate paid leave benefits will be substituted concurrently with the employee's unpaid FMLA entitlement.

Similarly, an employee on leave for a vacation or other personal reasons, who seeks an extension of leave for an FMLA qualifying purpose will need to state the reason. If this is due to an event that occurred during the period of vacation or personal leave, the City may count the leave used after the FMLA-qualifying event against the employee's twelve (12) week FMLA entitlement.

Required Certification to Care for Newly-Placed Foster Child
To care for a newly-placed foster child, certification from the state agency responsible for placing the child is required. In cases of foreseeable placement, certification is required at the time of the request (30 days advance notice). If the placement is on an emergency basis, certification from the State agency is required as soon as is practical, or no later than two business days following the placement.

Job Restoration
Following FMLA leave, employees will be returned to the same position held prior to the leave or one that is equivalent in pay benefits and other terms and conditions of employment.

Exceptions
It should be understood that under very limited circumstances, certain highly compensated salaried "key" employees are eligible for FMLA leave, but are not guaranteed restoration to their positions if they choose to take leave. If an employee is considered a "key" employee and the City plans to deny job restoration, the City shall notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave; notify the employee as soon as the City decides it will deny job restoration and explain the reasons for this decision; offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

"Key" Employee Definition
A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent (10%) of employees.

Intent Not to Return to Work
If an employee unequivocally informs the City that he does not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to reinstatement, continued leave, and health benefits ceases, except as covered by C.O.B.R.A.

Employee Reporting Responsibility
Employees on FMLA leave must report periodically, as required by the Department head and/or City policy, on the employee's status and intention to return to work.

Penalty or Fraud
An employee who fraudulently obtains FMLA leave from the City is not protected by FMLA's job restoration or maintenance of health benefits provisions and is subject to discharge.

Health Care Insurance
The City will maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work. However, the employee must pay his/her percentage of the coverage.

Before any period of leave without pay commences, an employee must contact the Human Resources Department to make arrangements to pay their usual share of health insurance premiums to the City. The City's obligation to maintain health benefits under FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The City's obligation also stops if the employee's premium payment is more than thirty (30) days late and the City has given the employee written notice at least fifteen (15) days in advance advising that coverage will cease if payment is not received.

Employee should contact the Department of Human Resources as far in advance of unpaid leave as possible to obtain details about making payment. In cases of sufficient notice, it is possible to begin making extra deductions in advance so that the payments will be made and the employee will not have to be concerned about them while off on unpaid leave.

Return to Work
Upon return from FMLA leave, employees will be restored to their original or an equivalent position with equivalent pay, benefits and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit which accrued prior to the start of the employee's sick leave.

Failure to Return to Work
If an employee willingly does not return to work for at least thirty (30) calendar days after the expiration of his or her leave, then he or she may be required to reimburse the City for payment of any health insurance premiums paid by the City during the leave. If the employee does not return because of the continuing serious health condition, them reimbursement will not be required.

Earned and Accrued Benefits
During any leave without pay, including unpaid FMLA leave employees do not earn or accumulate paid leave benefits.

Conflicts in Policies
Where conflicts arise in the application of existing City policies and/or State laws vs. the FMLA regulations, FMLA regulations will prevail where reasons for leave are determined to be eligible for the FMLA. Where conflicts arise in the application of existing federal law vs. the FMLA regulations, the provisions of each will be coordinated on a case by case basis.

7.9 AUTHORIZED LEAVE OF ABSENCE

Authorized Leave of Absence

Regular full-time employees may request in writing, and upon approval of the department head or Mayor, may obtain a temporary leave of absence without pay. This leave of absence without pay shall not exceed thirty (30) working days except in the case of Military Leave or Maternity Leave.

Leave which will be governed by the provisions of those rules set out in this handbook.

- An employee may request in writing, and may be granted a leave of absence without pay, due to illness. An employee who is unable to return to work upon expiration of the thirty day period may request an extension. The request should be in writing and submitted in advance of the expiration of the thirty day period or otherwise timely submitted. Each request for extension will be evaluated on its own merits by the Human Resources Department, Department Head and Mayor.
- Leave of absence without pay for illness shall not be granted until all of the employee's sick leave and annual leave has been exhausted.
- At the expiration of such leave, the employee shall be reinstated without loss of any rights unless the position is no longer available due to budget actions which necessitate for a reduction in the staff of the department.
- Failure on the part of the employee to report promptly at the expiration of the leave of absence, except for satisfactory reasons submitted in advance, or in a timely manner, shall be cause for dismissal.
- Leave of absence without pay for purposes other than for illness shall not be granted until all of the employee's accumulated annual leave has been exhausted.
- An employee on leave of absence without pay shall not accumulate vacation or sick leave time, must pay their portion of the health insurance, and will not receive pay for any holidays.

SECTION 8

GENERAL CONDUCT AND OTHER POLICIES AND PROCEDURES

8.1 PERSONAL CONDUCT

Personal Conduct

Prohibited Conduct
Prohibited conduct includes, but is not limited to, violations of City and departmental policies, ordinances, state and federal laws, acts of violence, theft or other dishonest acts, drug and alcohol violations, discourtesy, rudeness, hostility, threats, unlawful harassment, use of profanity, obscene or other disruptive language or behavior.

Use of Derogatory Terms
The unintentional or intentional use of derogatory terms including, but not limited to, those based on race, color, sex, age, disability, religion, national origin or veteran status by any City employee, including management personnel, that is directed at another employee or other person is prohibited. Violations subject the employee to the following minimum disciplinary actions. However, the City may take more severe disciplinary action, including discharge for any single offense or combination of current and/or previous offenses, as in its discretion it sees fit.

Unintentional
Unintentional use of derogatory terms shall be cause for disciplinary action, including discharge. *At a minimum*, the following actions shall be taken for such offenses: a written reprimand shall be issued for the first such offense by an employee of the City; a second such offenses by the same employee shall result in a one (1) day suspension without pay; and a third offense shall require at least a three (3) day suspension without pay. A fourth offense shall result in discharge.

Intentional
Use derogatory terms intended to harass, intimidate, or offend any person shall be cause for disciplinary action, including discharge.

8.2 CODE OF ETHICS

Code of Ethics

Employees are expected to use good judgment, adhere to high ethical standards and avoid situations that create an actual or perceived conflict between their personal interests and those of the City. The City requires that transactions in which employees participate are ethical and within the law, both in letter and in spirit. The purpose of this policy is to establish a code of ethics to guide city employees when faced with ethical questions, so the integrity of the City's work force is not compromised and the ability of City employees to perform their duties without undue outside influence is preserved. There is no way to develop a comprehensive , detailed set of rules to cover every business situation. This policy outlines some basic guidelines for ethical behavior. Whenever there is doubt, employees should consult with their department head for assistance with legal or ethical concerns.

Gifts, Gratuities, Rewards
It is against City policy for any and all employees to accept tips, gifts, rewards or other forms of payment in addition to regular compensation from any source for the performance of municipal services for which one is regularly employed.

Political Activity
No City employee shall campaign for any candidate at a federal, state or local level while on duty, while wearing a City uniform (on or off-duty), or while in a City vehicle (on or off-duty). An individual's political affiliation, preference, or opinion will not in any way influence his/her appointment, retention or promotion as an employee. City employees shall be governed by the following rules regarding political activities:

- May assist in voters registration drives
- May express their opinions about candidates and issues
- May campaign for and hold elective office in political clubs and organizations
- May participate in any activity not specifically prohibited by law or regulation
- Notify supervisor thirty (30) days in advance and take a political leave of absence without pay prior to filing for any municipal office, if such office is being sought by another city employee or is currently held by a city official seeking the same office.
- May not use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination of office
- May not directly coerce contributions from subordinates in support of a political party or candidate

Outside Business Activities
Employees may engage in outside business activities provided such activities do not adversely affect the City, its reputation or public trust, or the employee's job performance. Employees are prohibited from engaging in financial investments and dealings, outside employment or other business enterprise that is prejudicial to the best interests of the City or any of its departments. Employees may not use proprietary and/or confidential information for personal gain or to the organization's detriment, nor may they use City property or labor for personal use or benefit.

Employees whose outside business or other activities adversely affects the City, its reputation or public trust, or the employee's job performance or attendance are subject to disciplinary action, including discharge. The City has sole discretion to determine whether adverse effects may occur or have occurred. The City also has sole discretion to determine whether conflicts of interest exist. If outside business activities present a conflict of interest, the City may require the employee to cease the outside business activity as a condition of continued employment.

Competition for Public Positions
Vacant positions, except for elected officials' appointed staff member positions, are competitively filled based on merit, qualifications and, in some instances, seniority. Arkansas statutes and federal regulations require objective, job-related, non-discriminatory competitive processes for filling positions. Applicants or employees who seek, personally or through others, directly, to use political pressure or bribery to secure an advantage or to influence the outcome of a selection or promotional process involving a position for which they have applied are subject to disqualification.

Business Gifts
All employees of the City are prohibited from accepting gifts or gratuities from individuals or firms with which the City does business. Acceptance of gifts or gratuities under such circumstances creates the appearance of impropriety. Employees shall refrain from giving gifts or gratuities to individuals or firms who do business with the City.

Personal Mail
Employees shall not use the addresses of city offices for the receipt of personal mail

Use of City Telephones
City telephones are for City business. Employees may use the telephone for personal emergencies, so long as this privilege is not abused. Long distance emergency calls must be reimbursed by the employee.

City employees are required to conduct themselves in a courteous and polite manner when communicating with citizens over the telephone.

Change of Name, Address, Marital or Family Status
Employees shall report all changes in name, address, telephone number and marital and family status to the Department of Human Resources within ten (10) working days.

Service Awards
Employees who have served the City 5, 10, 15 and 20 years etc., shall be eligible for a special service award.

Solicitation, Selling and Peddling Among Employees
Unless authorized by the Mayor, all solicitations among City employees during working hours for charitable or any other purposes, including all selling of tickets, magazines or merchandise of any kind, are hereby prohibited.

8.3 DRUG FREE WORK PLACE POLICY

Drug Free Work Place Policy

AS A CONDITION OF EMPLOYMENT, employees of the City of Pine Bluff are required to abide by the rules contained in the following policy:

The City of Pine Bluff recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and reduced productivity. Therefore, the City expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during working hours.

It is the policy of the City of Pine Bluff to maintain a drug and alcohol free work environment. The unlawful manufacture, distribution, dispensation, possession, use or effect of a controlled substance, or possession , use or effect of an alcoholic beverage by an employee while on duty or at any time while the employee is on a City work site, using a City vehicle or other motorized equipment is absolutely prohibited and constitutes cause for termination of employment.

Any employee convicted (a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes) of violating criminal statutes pertaining to controlled substances and/or alcohol occurring at any time must, within five (5) days from the date of conviction, report the conviction to their supervisor or be subject to disciplinary action up to and including discharge.

The following is prohibited conduct:

(1) Drinking or consuming alcohol at the workplace.
(2) Using, possessing, selling, distributing, dispensing, manufacturing or dealing any prohibited drug or controlled substance on the premises of the Employer, in or from any vehicle owned or operated by the employee at the time.
(3) Refuse to submit to an alcohol or drug test when informed that such a test is required under this policy. Refused to submit to an alcohol or drug test means that a employee (a) fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of this policy, (b) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, (c) engages in conduct that clearly obstructs the testing process, such as provided adulterated, contaminated, or substituted sample, or failing to report to a testing site immediately after being told to do so, or refusing to cooperate with the personnel administering the test.
(4) Report to work or remain on duty while having an alcohol concentration of 0.04 or greater.
(5) Use and test positive prohibited drugs. Prohibited drugs include marijuana, cocaine, opiates, amphetamines, or phencyclidine.
(6) Report for work or remain on duty if he or she tests positive for controlled substances.

(7) Use alcohol for eight (8) hours following an accident he or she was involved in, or until undergoing post-accident alcohol testing, whichever comes first.
(8) Report for work or remain on duty impaired or under the influence of alcohol or drugs. Under the influence or impaired means that the employee's speech, behavior, physical reactions, motor skills, or mental faculties are noticeably affected by use of alcohol or drugs.
(9) Failure to disclose a criminal conviction of a drug statute as required by the following paragraph:

> As a condition of employment, an employee must notify his/her supervisor of any criminal drug statute conviction of a violation occurring in the workplace no later than five (5) days after such conviction. The City of Pine Bluff will notify the appropriate Federal agency within ten (10) days after receiving notice and any criminal drug statute conviction in the workplace.
>
> An employee who is found to be on duty with an alcohol concentration of 0.02 or greater but less than 0.04 will be removed from performing any safety-sensitive function and place on leave without pay. He or she cannot return to work without first submitting to an alcohol test with a result of less than 0.02 and an evaluation by a substance abuse professional, releasing them to return to duty. The employee must follow the treatment regimen prescribed by the substance abuse professional.

Consequences of Prohibited Conduct

The City of Pine Bluff has adopted a policy of zero tolerance if an employee engages in prohibited conduct. The employee who does so will be terminated.

The terminated employee will be informed of the resources available for resolving problems with consumption of drugs or alcohol. The terminated employee will also be informed of the names of substance abuse professional (SAP) in the area who can provide help.

PROVISO: If the determination of prohibited conduct as a result of an alcohol or drug test is not immediately available, and the test was directed because of a reasonable suspicion, the employee who is impaired by alcohol or drugs will be placed on leave pending the results. If the result is positive the leave will be with pay; if the result is positive the leave will be without pay are negative the leave will be with pay.

In all cases other than reasonable cause where the test result is not immediately available, the employee will be allowed to work pending the test result.

Circumstances Under Which an Employee Will be Tested for Alcohol or Drugs

Drug and alcohol testing will be required under these circumstances:

- Reasonable Suspicion
- Post Accident
- Return to Duty and follow-up testing
- Applicant/transfers (for certain positions)

If a City Department Head or supervisor has a reasonable suspicion that an employee, at work or upon reporting to work, appears to be under the influence of a controlled substance and/or of an alcoholic beverage, the employee will be required to consent to a drug/alcohol test, and disciplinary action, up to and including discharge will be initiated.

Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance and/or of an alcoholic beverage so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: the odor of an alcoholic beverage, erratic behavior, violent mood swings, excessive absenteeism (including tardiness), a medical emergency which could be attributed to substance or alcohol abuse, physical on-the-job evidence of substance or alcohol abuse, documented deterioration in job performance, or an accident which is caused by the apparent action or inaction of the employee.

The Department Head or supervisor will provide written documentation describing the incident(s) leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of the incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia, containers, etc. will be collected. ***Forms for this purpose are available from the Human Resources Department.***

After documenting the incident, the Department Head will contact the Director of Human Resources to determine if drug/alcohol testing is appropriate and, if appropriate, to arrange for testing. If drug/alcohol testing is appropriate, the supervisor or Department Head will transport the employee to the test facility. The drug/alcohol test may be a type based on urine, breath or other type of sample as appropriate. After testing, the employee will be transported home by his supervisor, relative and directed not to report to work until the results of the test are known. If the employee's supervisor reasonably determines that the employee is incapable of being managed, the Police Department or other government agency may be contacted for assistance.

In the event of a work place accident, not necessarily resulting in an on-the-job injury, a City Department Head or supervisor may require those employees in the work group involved in the accident to submit to a drug/alcohol test under the guidelines set forth above for reasonable suspicion testing.

A department head or supervisor may conduct a reasonable search of any City property at any time and especially when employees in a work group experience an accident. City property includes, but is not limited to, City owned or leased buildings, parking facilities, City vehicles and/or motorized equipment, containers located in or on City vehicles and/or motorized equipment as well as lockers and desks.

The personal property of City employees may also be searched if the employee's personal property is on City property and whether or not the employee provides consent, any information/contraband obtained relating to violations of federal or state criminal statutes will be transmitted to the appropriate law enforcement agency.

Voluntary Self-Identification Policy

Eligibility

The following policy shall not apply to employees who

- are found to have engaged in selling, manufacture, distribution, or theft of alcohol or illegal drugs or controlled substances;
- have committed other serious violations of the law and/or ethics.

The City reserves the right to deny such requests and to take appropriate administrative or disciplinary action in such cases, including discharge.

Policy

Employees who have a personal problem with alcohol misuse or the abuse of controlled substances may request time off to voluntarily seek education, counseling or treatment services to successfully complete a drug abuse or alcohol assistance, treatment or rehabilitation program if such treatment or rehabilitation is recommended and conducted by a qualified substance abuse professional approved by the City. Self-admission of an alcohol or drug problem does not relieve the employee for liability for other acts of misconduct.

Requests from eligible employees will be considered **only** if all the following requirements are met:

1. The employee's admission is not made

    - to avoid testing under the requirements of the DOT or non-DOT drug testing policy;
    - after being notified to report for a drug and/or alcohol test;
    - while waiting for drug and/or alcohol test results to be received;
    - following receipt of positive drug and/or alcohol test results;
    - during investigations into misconduct or performance deficiencies; and/or
    - during pending disciplinary actions.

2. The employee makes the admission of alcohol misuse or controlled substances use prior to reporting to duty or performing a safety sensitive function.

3. The employee provides prompt, written verification from a qualified substance abuse professional approved by the City that the employee needs evaluation, education and/or treatment.

4. Before entering such a program, as a condition of continued employment, the employee shall be required to provide a signed, written agreement to submit to monitoring and unannounced follow-up drug and/or alcohol testing and to pay any required costs for the monitoring and tests.

Employees making a voluntary admission of alcohol misuse or controlled substances use will be given reasonable opportunity to seek evaluation, education or treatment for the employee's drug or alcohol problem. All expenses shall be the responsibility of the employee.

Accrued leave benefits, if available, may be utilized during approved absences upon proper written verification of the need as stated above. Leave for this purpose shall not be granted without advance approval, regardless of whether paid leave benefits are sought.

The employee will be permitted to return to work only upon providing written verification from the qualified substance abuse professional that the employee has successfully completed the recommended educational or treatment program.

Prior to the employee returning to work, the employee shall undergo a return to work drug and/or alcohol test(s) with a verified negative test result.

Following return to work, the employee will be required to submit to unannounced drug and/or alcohol testing for a period of up to sixty (60) months as recommended by the qualified substance abuse professional as a condition of continued employment. A positive drug or alcohol test following return to work shall be cause for immediate discharge.

Employees desiring to avail themselves of this opportunity should provide to their department head prompt written verification of the need for evaluation and/or treatment from a qualified substance abuse professional approved by the City.

The department head will immediately forward all such requests to the Human Resources Director. The Human Resources Director will review the request and determine whether the conditions for approval have been met or if more information is necessary. Unless the required conditions are met, the request will be denied.

Employees failing to meet the above conditions or who fail to cooperate with any educational or treatment program recommended by the drug and alcohol abuse evaluation expert are subject to discharge.

The City of Pine Bluff expressly prohibits its officials or employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. As a condition of employment, the employee will:

- Abide by the terms of this statement; and
- Notify the employer of any criminal drug statute conviction for a violation occurring within the workplace after such conviction.

8.4 INSUBORDINATION

Insubordination

All lawful orders or directives of department heads and supervisors are to be obeyed promptly and cooperatively. Employees shall comply with all City and department rules, policies, practices and procedures.

Insubordination seriously undermines and adversely affects management's ability to manage the City's workforce in a productive efficient and harmonious manner. It can negatively affect employee morale, productivity and efficiency. It can spread negativity among the work force and instigate conflict, both of which are intolerable in the workplace.

Gross Insubordination is the willful or intentional refusal to obey a direct, lawful order, directive, instruction, rule, or policy. Gross insubordination may result in immediate termination.

Examples of gross insubordination include, but are not limited to the following:

- Deliberate defiance of management's legitimate exercise of its rights.
- Refusal to accept (directly or constructively) management's lawful directives or decisions.
- Refusal to comply (directly or constructively) with lawful rules, policies, procedures, practices and directives of management.
- Refusing to submit to lawful drug or alcohol test when directed to do so by a supervisor.
- Refusal to proceed to the drug/alcohol testing facility immediately upon notification to do so for a required drug/alcohol test.

Insubordinate Conduct is any negative conduct or attitude exhibited by an employee that undermines the ability of management to effectively conduct business and/or demonstrate a lack of respect and cooperation with management. Insubordinate conduct may result in disciplinary action, including immediate discharge, depending on the circumstance.

Examples of insubordinate conduct include, but are not limited to:

- Being argumentative or exhibiting a hostile or disrespectful attitude in response to orders, directives, policies or instructions given by a supervisor, department head or other authority.
- Failure to follow the chain of command to resolve personal disagreements with supervisor or department head.
- Intentional failure to report to work or carry out an assigned duty as scheduled or directed.
- Leaving work, an assignment or a duty area without permission of the supervisor.
- Intentional failure to communicate with supervisor or department head.
- Conduct having the effect of disrupting departmental efficiency and morale, or undermining the authority or ability of management to effectively carry out the business of the department.
- Being unavailable for call-out after having been directed to be on standby notice.
- Refusing to work reasonable amounts of overtime and/or refusing to work overtime in an emergency situation.

- Suddenly calling in sick or claiming sickness prior to reporting to call-outs or when directed to work overtime.
- Repeatedly asking for specific clarification of rules or directives with the intent and/or effect of slowing down work or frustrating supervisors or other members of the work unit.

Exceptions

A. Employees may refuse orders or directives to operate vehicles or equipment they reasonably believe are unsafe or to perform duties that they reasonably think will cause illness or injury to themselves or others, or damage to equipment, without committing an offense of insubordination. In such instances, supervisory personnel will request the assistance of the Human Resources Director to make a determination. If the Human Resources Director and/or the Safety Officer determines that the vehicle or equipment is safe to operate, or the duties are safe to perform, and the employees continues to refuse or engages in unnecessary argumentative conduct, the employee is considered to have committed the offense of gross insubordination and/or insubordinate conduct.

B. Employees refusing orders or directives they believe require them to engage in illegal activity are not committing the offense of insubordination. The employee should immediately report illegal orders or directives to the department head. If the department head is the person who gave the order, employees should report the order to the Human Resources Director, City Attorney or other City official whom the employee knows is authorized to investigate and take action in the matter.

8.5 WORKPLACE VIOLENCE PREVENTION AND MANAGEMENT

Workplace Violence Prevention and Management

The purpose of the workplace violence prevention and management policy is to establish guidelines and procedures for preventing and managing acts of violence in the City's worksites. The safety and security of all employees and the public is of primary importance. Also essential is the safety and security of property and equipment belonging to the City, its employees or the public. The City will not tolerate any conduct that causes, or has the potential to cause, a threat to the safety of employees or others in the workplace.

The City has a zero-tolerance policy against any form of workplace violence. No direct, indirect or implied threats, intimidation, or violent behavior is acceptable.

This policy does not apply to official and lawful police actions.

This policy applies to all locations where City business is being conducted, and at City-sponsored events. Employees, including management and supervisory personnel are expected to treat others with whom they work and come into contact on the job with courtesy, respect and professionalism at all times.

Management is encouraged to take proactive measures to promote teamwork, create a supportive and friendly work atmosphere, and to ensure that employee complaints are handled efficiently and effectively and without fear of retaliation.

When workplace violence hazards are recognized and identified, appropriate security and/or disciplinary measures will be implemented immediately.

Any person who makes threats, whether direct, indirect or implied, exhibits threatening, intimidating or hostile confrontational behavior, or engages in violent or disruptive acts on city premises or on city work sites shall be removed from the premises or work site as quickly as safety permits and shall remain off city premises and work sites pending the outcome of any necessary investigation. In situations considered to be potentially volatile, the assistance of law enforcement should be requested to remove the employee from the premises.

Emergencies and imminent threats of harm should immediately be reported to the police or other emergency personnel.

Retaliation against any employee reporting instances of real or suspected workplace violence is prohibited. To encourage employees to come forward without the fear of retaliation, the City will promptly investigate all complaints of retaliation and, if warranted, impose disciplinary action, including discharge.

Any employee experiencing, witnessing, or learning of a direct or indirect threat or violent act is required to immediately report such activity. Reports may be made to the department head and supervisor or the Human Resources Director.

Each report will be evaluated and promptly investigated to determine direct or indirect threat or violence is prohibited. To encourage employees to come forward without the fear of retaliation, the City will promptly investigate all complaints of retaliation and, if warranted, impose disciplinary action, including discharge.

Information will be disclosed on a need-to-know basis only to ensure a fair and thorough investigation can be conducted and/or appropriate corrective action can be taken. Additionally, the City will make every effort possible to ensure the safety of the individuals involved.

Prohibited conduct includes, but is not limited to:

- any act of violence, including, but not limited to,
    - fighting, provoking a fight, or encouragement of a fight
    - the use of any instrument or weapon to injure, threaten, or intimidate,
    - destruction of property or posing a threat to property;
- verbal or physical behavior that directly or indirectly
    - creates an atmosphere of fear and apprehension,
    - adversely affects departmental morale, efficiency or productivity,
    - causes another to reasonably fear for his or her safety or the safety of others,
    - has the purpose or effect of intimidating or harassing another person,
    - inferences with another person's job performance,
    - indicates a person may intentionally harm himself/herself;
- use or possession of any firearm, or weapon of any kind (concealed or exposed) on City property, at a city work site or at an official city function unless the firearm or other weapon is authorized.

Workplace Violence

The City will have a "zero tolerance" policy for workplace violence. Zero tolerance means that threats, intimidation, harassment, or acts of violence (particularly employee against employee assaults) will not be tolerated. If any employee displays or threatens any violent activity in the workplace, he or she will be subject to immediate disciplinary action up to and including termination of employment.

1. Definitions and clarification of terms are as follows:

    a. Workplace violence: An implied or actual act or threat made directly or indirectly that creates, or could create, physical harm to employees, their families, friends or property that takes place at the workplace or because of performing work duties associated with employment by the City of Pine Bluff.

    b. Stalking: A person commits stalking if he or she purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of death or serious bodily injury of his or her immediate family.

c. Harassment: A person commits harassment if, with intent to harass or threaten another person, the person:

i. Communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephone or written means in a way that harasses or threatens.

ii. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.

iii. Engages in a course of conduct or repeatedly commits an act that harasses or threatens another person.

Restraining Orders

Employees who apply for protective or restraining order involving another person are asked to include the workplace in the restraining order. Employees who identify the workplace as a protected area in such application or order are required to immediately notify their supervisor, department head or Human Resources Director by providing a copy of the order, supporting petition and documentation. The department head or supervisor is required to notify the Police immediately when necessary to prohibit the person limited by the restraining order from entering the worksite or workplace.

If both parties to the restraining order work for the City, any action may be taken that is necessary to ensure a safe working environment for all employees, including discharge of the employee limited by the restraining order.

Employees violating a protective or restraining order while on duty or at a City workplace or work site are subject to immediate discharge.

If necessary to control the situation, the assistance of law enforcement will be obtained by the supervisor or department head.

Fitness for Duty Evaluations

In certain situations when an individual employee's actions or behavior indicate a potential risk to the safety of the employee, other employees, or the public, a referral to a mental or physical health provider for a fitness-for-duty evaluation may be appropriate. Heads of non-uniformed departments should contact the Human Resources Director for prior approval of the fitness for duty examination and to make arrangements by any fitness for duty evaluation.

When Violence or Potential Violence Occurs

Violent, potentially violent, or abusive situations can be unsettling. The department head, supervisor and/or the Human Resources Director should provide debriefing and counseling to reduce tension and stress. If affected employees prefer external counseling for emotional and/or family support, they should be encouraged to contact their personal mental health provider or other person trained in these matters. In all instances, confidentiality is assured. Violations of this policy are cause for disciplinary action, including immediate discharge.

The City reserves the right to take any necessary legal action to protect its employees, the public, and City property. Where appropriate, referral to appropriate law enforcement agencies for arrest and prosecution will be made.

8.6 WEAPONS POLICY

Weapons Policy

The use or possession of weapons of any kind, concealed or otherwise while in city vehicles, on city property or worksites, or attending official city functions whether on or off duty is prohibited, regardless of whether the employee is properly licensed to carry a weapon. The term "city property" includes anything owned, leased or managed by the City. The term "city worksite" includes, but is not limited to, any site where city business or work by city employees is being conducted. The term "weapon" includes, but is not limited to:

- firearms (concealed or exposed);
- illegal knives or knives with blades that are more than three (3) inches in length;
- explosives; and
- any other item that could be used as a weapon.

Use or possession of any firearm or explosive on City property or on a city work site is prohibited unless the employee's use or possession:

- is in compliance with Arkansas law; and
- is authorized by the City; or
- is by an employee who is a certified law enforcement officer; or
- is required as part of the employee's City job duties; or
- is connected with training received by the employee in order to perform the responsibilities of his/her job with the City.

Any non-uniformed employee's job description shall accurately describe the specifics of any firearm or weapon the employee is authorized to carry or use and the purpose(s) for which it is to be used.

Employees are expected and encouraged to report all violations to their supervisor or department head, and required to cooperate in any lawful investigation regarding the unauthorized or illegal possession or use of firearms or other weapons. Retaliation against any employee reporting violation is prohibited.

Supervisors or department heads are responsible for ensuring that any unauthorized weapon is removed by the appropriate method.

Reports of a firearm or other weapons being brought on City property will be immediately investigated by the department head and, when appropriate, the assistance of the Pine Bluff Police Department will be obtained in order to protect City employees and the public from possible harm.

Violations of this policy are cause for disciplinary action, including immediate discharge.

The City reserves the right to take any necessary legal action to protect its employees, the public, and city property. Where appropriate, referral to appropriate law enforcement agencies for arrest and prosecution will be made.

8.7 SEXUAL MISCONDUCT

Sexual Misconduct

Sexual misconduct of any kind is prohibited. Examples of sexual misconduct, include, but are not limited to, the following:

- lewd, sexual remarks or gestures;
- inappropriate touching;
- engaging sex acts;
- sexual harassment;
- indecent exposure;
- voyeurism;
- child molestation;
- exhibiting lewd, indecent pictures or other forms of pornography;
- accessing pornography on city computers;
- engaging in pornographic acts;
- distributing pornography; and
- any other sexual misconduct, illegal or otherwise.

Violations will result in disciplinary action, including discharge.

Supervisor Responsibility
Department heads and supervisors are responsible for monitoring employee conduct and are responsible for ensuring incidents of sexual misconduct are promptly investigated and for taking appropriate disciplinary action, including discharge for offenses.

8.8 USE OF CITY PREMISES, VEHICLES, EQUIPMENT & SUPPLIES

Use of City Premises, Vehicles, Equipment & Supplies

City Premises
Meetings held on City premises must be for the purpose of conducting only City business.

Unauthorized Use, Disposal, Destruction or Destructive Use of City Property Prohibited
Unauthorized use of City property, including but not limited to, facilities, vehicles, tools, supplies and any equipment, including but not limited to, typewriters, adding machines, copy machines, computers, fax machines, telephones, cell phones, business supplies, stationary and postage stamps is prohibited.

Installing unnecessary software, games or the playing of games or conducting personal business on City computers is prohibited.

Improper, unsafe, destructive use of City property or equipment is prohibited.

Unauthorized destruction or disposal of City equipment or property is prohibited.

Assignment of City Vehicles & Motorized Equipment
Employees who drive or operate City vehicles or equipment on the City's streets must comply with all driver and driver's licenses requirements contained herein and elsewhere in this policy manual and obey all City and State traffic laws. No tobacco products should be used in city vehicles. City vehicles should be kept clean at all times. Employees are prohibited from texting while driving.

Certain job positions allow for the personal assignment of a City vehicle. As a general rule, personally-assigned vehicles are to be driven home by employees for the sole purpose of garaging and safekeeping the vehicles. There are certain IRS guidelines that must be met for valuing the taxable benefit to the employee. Some vehicles are assigned on a daily basis for City business. Employees who require the use of a City vehicle are assigned on a daily basis for City business. Emergency personnel who require the use of a vehicle abide by the usage of maintenance rules set out by the department for use of such vehicle. No City owned vehicle will be allowed to travel outside the city limits of Pine Bluff other than on official City business. No City owned vehicle will be used for any type of personal errands and all City owned vehicles shall have permanent decals affixed in the proper manner unless otherwise directed by the Mayor.

Traffic Tickets
Employment who are authorized to drive a City vehicle are required to report all traffic tickets or driver's license suspensions received on or off duty, in the City vehicle or in a private vehicle, as soon as possible, but no later than immediately upon reporting to work on the first business day following receipt of the ticket or suspension.

Payment of traffic ticket and/or parking tickets is the sole responsibility of the employee driving the vehicle. Failure to pay such tickets prior to notification to the City by law enforcement agencies may result in disciplinary action, including discharge.

Duty to Report All Accidents
Employees shall promptly report all accidents, defects, thefts, breakdown or malfunctioning so that necessary repairs may be made.

Keys to City Property
Employees entrusted with keys to City property shall maintain proper care and custody of keys at all times. Unauthorized persons shall not have access to keys to City property. Keys shall be returned upon resignation, retirement, or discharge.
Violations of any one of the above will result in disciplinary action, including discharge.

8.9 OUTSIDE EMPLOYMENT OR BUSINESS INTEREST

Outside Employment or Business Interest

While the City does not prohibit employees from having a second job, secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, or necessitate long hours that may impact the employee's working effectiveness. The second employment must be approved by the Mayor.

Outside employment or business interests that would present a direct conflict of interest with City employment, may be a source of discredit to the City or cause the public trust to be breached are prohibited. Employees will avoid any outside employment, business interest or other activity that interferes with or adversely affects the performance of their responsibilities to the City.

Employees shall recognize the City as the primary employer and give due consideration to this fact prior to seeking outside employment or business interests. If an employee feels that a conflict may exist between outside employment or business interest and City employment, he should consult with his department head prior to accepting such outside employment and identify the secondary employer, the nature of the job duties to be performed and the hour of work.

Examples of Conflicts of Interest
A conflict of interest is not easily defined. The following examples are provided below are for guidance and clarification purposes only and do not limit consideration of other possibilities.

- Hours or conditions of the outside job or business interest interfere with the employee's job performance or attendance with the City.
- Receiving paid sick leave or workers' compensation disability payments while working for another employer.
- Any employment or business interest that negatively affects, or has the potential to adversely effect, the City image or reputation.
- Employment or business interests with any individual or business that furnishes merchandise, supplies, property or services to the City.
- Investment in, or profiting from, sales for materials, supplies or services either produced or purchased by the City.

If a determination is made that any outside employment or business interest represents a direct conflict of interest or that such employment or business interest may breach the public trust, the employee will be requested to either resign such employment or cease such business interests or outside employment.

8.10 DRESS CODE

Dress Code

A reasonable dress code is necessary to ensure that all employees dress and groom themselves in a manner to promote safety, efficiency, and a positive public image of City government.

Management reserves the right to determine appropriate dress and grooming at all times. Employees reporting to work inappropriately dressed or groomed may be sent home. Any employee sent home for this purpose will be charged annual leave. If no leave is available to charge, employees will receive no pay for the time not worked.

Clothing considered unnecessarily revealing, light, provocative, offensive, distracting, sloppy, or otherwise inappropriate to the work place is prohibited. Examples of inappropriate dress or footwear include, but not limited to the following:

> Excessively low-cut blouses or shirts, halter tops, strapless tops, spaghetti straps or tank tops with no cover-up or jacket, cropped tops, mini-skirts, that are shorter than three inches above the knee, skin tight pants, stretch tights or leotards, skirts split higher than three (3) inches above the knee, shorts.

Denim blue jeans and cropped pants of any fabric may only be worn with specific department head approval.

Footwear must be appropriate for the position the employee holds. If safety shoes are a requirement of the position, they must be worn at all times while on duty. Athletic shoes may be worn with department head approval.

Piercings (other than on the ear lobe) must not be visible to the public while on duty.

Tattoos may not be offensive in nature.

Clothing or jewelry must not constitute a safety hazard to the employee or other employees if worn while working. In some instances, for safety considerations, long hair must be tied back and restrained to ensure the employee's safety. Loose clothing or dangling jewelry that poses a safety hazard to employees is also prohibited.

Strong cologne or perfume should not be used in the workplace since many people have allergies or sensitive to them. If cologne or perfume presents a problem in a department or worksite, the department head may prohibit it from being worn in that department.

Department heads may also establish and enforce a reasonable dress code for their departments or for specific positions that is not in conflict with the requirements herein, including requirements for specific styles of dress, i.e., business casual, relaxed casual, business suits, dress shirts, ties, uniforms, hats, safety shoes or other equipment to be worn by employees in their department. In those departments where uniforms are required, employees must wear the specified uniform, including a hat or cap, at all time unless authorized otherwise by the

department head. Employees in such departments must report to work in uniforms that are neat, clean and in good repair.

Personal hygiene is essential. Therefore, it is necessary that all employees maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

Employees are expected to maintain appropriate and professional hairstyles. Beards sideburns and mustaches must be cleaned and neatly groomed. Hair coloring should be within range of natural hair coloring.

Exceptions to the above rules will be made on an individual basis for claims of health or religious requirements. Requests for such exceptions must be made in writing to the department head citing the specific health or religious reasons for requesting the exception. Verification of such requests will be made by requiring medical verification of the need for health reasons, or by providing the name and address of the religious authority that may be contacted for verification of the need for requested religious accommodations. The department head should consult the Human Resources Director for assistance in determining whether or not such requests qualify for a reasonable accommodation.

Failure on the part of any employee to conform to this policy or departmental policies may result in disciplinary action, including termination.

8.11 THEFT OR MISAPPROPRIATION

Theft or Misappropriation

Many City employees have access to property including, but not limited to, facilities, grounds, desk, lockers, supplies, equipment, money, privileged information and other property belonging to the City, other employees or the public.

Theft or misappropriation of any of the above, whether City-owned or privately owned, is prohibited.

Employee Responsibility
City employees must be trustworthy. They are expected to carry out their duties in the work place, on or off City property, honestly and efficiently.

Employees are expected to account for all City property, equipment, supplies, privileged information or money for which they are responsible.

Employees are expected and encouraged to report all instances known to them of theft or misappropriation.

Employees are required to cooperate in any lawful investigation of theft or misappropriation of property, equipment, supplies, money or privileged information from the City or from the public.

Supervisor Responsibility
Supervisors and department heads are responsible for monitoring the accountability of all City property, equipment, supplies, privileged information, or money for which their subordinates are responsible or to which they had access. The supervisor or department head may request the assistance of the Pine Bluff Police Department for assistance in such instances.

No allegations of theft or misappropriation shall be made without factual evidence of such theft or misappropriation following a proper investigation.

Department heads are responsible for taking swift disciplinary action, including discharge, for violations of this policy.

8.12 FELONY AND SERIOUS MISDEMEANOR CONVICTIONS

Felony and Serious Misdemeanor Convictions

Employees shall obey federal, state and City laws and regulations at all times.

Felony Conviction
To eliminate any threat to the safety or integrity of the work place and to preserve the public trust in City government and its employees, a felony conviction, whether committed on or off duty, on or off City property, shall result in immediate discharge.

Misdemeanor Conviction
Any misdemeanor convictions for offenses or DUI committed while on-duty or on City property, shall result in immediate discharge.

Misdemeanor (Class A or DUI) convictions for off-duty violations may result in discharge even if no time of incarceration is imposed depending on the type of offense, the position held by the employee, and whether the employee's continued employment constitutes a threat or hazard to the work place, other employees, or the public, or if such continued employment would interfere with the efficient, harmonious operation of the department, or cause loss of the public trust or the credibility of the employee.

Employee Notification Responsibility
Employees are required to immediately notify their supervisor or department head upon being charged and then upon being convicted of a felony serious misdemeanor, INCLUDING driving while intoxicated or driving under the influence of narcotics or other intoxicants.

Awaiting Trial
Employees awaiting trial on felony or serious misdemeanor charges for offenses committed on or off duty may be discharged immediately if the determination is made that the employee has utilized his position, the City's property, equipment or knowledge gained from City employment in the commission of a felony or serious misdemeanor or has otherwise breached the City's trust.

Immediate suspension or discharge may also take place if, in the opinion of the City, the employee's continued presence in the work place constitutes a threat to the health or safety of other employees or the public, or would interfere with the efficient operation of the department, or would breach the public's confidence and trust.

SECTION 9

CITY VEHICLE DRIVER POLICY AND PROCEDURES

9.1 DRIVER REQUIREMENTS

Driver Requirements

Non-uniformed employees who are authorized to drive City vehicles or operate City equipment upon the streets and highways are required to observe policies to ensure the public safety and/or to comply with federal regulations concerning the operation of vehicles or equipment regulated by the U.S. Department of Transportation.

Appropriate Driver's License Required
All City employees required to operate a City vehicle of any kind (weather as a part of their regular job duties or as relief driver or operator) must have in their possession at all times a valid Arkansas driver's license for the vehicle(s) they are assigned or authorized to operate. Department heads are authorized to check periodically or regularly to ensure that their employees have the required driver's licenses.

Employee Responsibility
Employees shall be responsible for the safe and proper use and operation of the vehicle or equipment and shall obey all City, state and federal traffic laws, policies and regulations.

Traffic Violations
In the interest of public safety, the City has a responsibility to ensure that only drivers with good driving records are allowed to drive City vehicles and operate City equipment upon the streets and highways.

Ticket & Suspension Notification Requirements
Employees who receive a traffic ticket for any type of moving violation, or whose licenses have been suspended for any reason (including non-payment of child support) are required to notify their supervisor or department head no later than the start of the first business day following receipt of the ticket or suspension.

Suspended Licenses
An employee whose license to drive has been suspended shall not drive a City vehicle unless he/she has been provided a temporary driving permit for work, or until the license is reinstated.

Employees may also be subject to personnel action, including discharge. Determination of the appropriate action to take, if any, will be made on an individual, case-by-case basis by the department head, and considerations may include, but are not limited to:

- Whether or not the employee made prompt notification to the supervisor or the suspension as required by City, departmental or D.O.T. policy;
- Type of current violation;
- Number of previous moving traffic violations and/or DUI/DWI violations;
- Length of suspension;
- Type of position held, i.e. public safety vs. non-public safety;
- Whether or not the current violation or the employee's traffic violation record as a whole warrants continued employment in the position;
- Whether or not the employee can obtain a temporary restricted driver's permit for work related driving;

- Whether or not the employee can perform the essential functions of his/her position without driving for a limited period until his/her license is restored;
- Whether or not there is a vacant non-driving position or other assignment in the department to which the employee can be temporarily assigned.

Because the essential functions contained in the many City positions that require driving a City vehicle, or in which the employee has been provided a City vehicle as a benefit vary greatly, the above list of considerations is not meant to limit a department head from considering other factors, or from taking any action determined to be appropriate and in the best interests of the City in any given situation.

Penalty for Failure to Notify
Failure to provide immediate notification of traffic tickets or driver's license suspensions as described above may subject the employee to disciplinary action, including discharge.