

RESOLUTION 2013-12-454R

**A RESOLUTION AMENDING CH. 5.4.3 PERSONNEL HANDBOOK OF THE CITY OF TONTITOWN, ARKANSAS, APPLICABLE TO ALL EMPLOYEES BY AMENDING THE RULES OF THE SICK LEAVE BANK; AND DECLARING AN EMERGENCY TO EXIST**

**WHEREAS**, the City of Tontitown has a personnel handbook in effect that applies to all employees;

**WHEREAS**, the Tontitown Personnel Handbook at Chapter 5.4.3 of the Handbook is included to address the issue of sick leave for employees and conforms with Arkansas law;

**WHEREAS**, the Tontitown City Council has determined that one of the City's greatest assets is its representatives in all departments who interact with City residents and visitors;

**WHEREAS**, the current Sick Leave Rules were adopted to allow the City to aid employees time off for sickness, illness, or injury for any days that the official is scheduled to work.

**BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF TONTITOWN, ARKANSAS**, that,

**Section 1:** The Personnel Policy of the City of Tontitown is hereby amended to include the following Sick Leave Bank.

**Section 2: Sick Leave Bank**

**A) Participation**

All full-time city employees are allowed to participate in the Sick Leave Bank after declaring their intention to participate and donate at least eight (8) accumulated hours of leave to the bank by January 15 of the calendar year (new hires are allowed to join 30 days after getting full benefits, which is 90 days, for a total of 120 days, including existing employees 30 days from inception of ordinance).

**Governance**

The Sick Leave Bank is governed by the Mayor, Recorder/Treasurer, and one full time employee appointed by the City Council. Any request for leave from the Sick Leave Bank must be requested from the committee on a Sick Leave Bank request form. This committee shall approve or disapprove requests based on individual situations and documentation. The committee may review employee records and documentation.

**B) Rules of Operation**

1. Only participants who have made a contribution to the bank may make requests from the Bank.
2. Sick Leave Bank hours will be granted only in the cases of physical, mental, or emotional illness of the participant, or illness or death in the immediate family. Immediate family shall include participant's spouse, children, spouse's children, parents, spouse's parents, and any other relatives living in the same household.
3. Sick Leave Bank hours will only be granted after the exhaustion of all other paid compensation (sick leave, vacation and compensatory time). Sick Leave Bank hours or days are grants and do not require repayment.
4. Sick Leave grants made from the banks shall be for up to **160 hours** for an individual applicant per year, if the hours are available.
5. The sick leave bank committee shall have the discretion to award days in fractional amounts up to the **maximum 160 hours** per year to a participant who has disability income protection insurance that pays a per diem rate less than the employee's contracted per diem rate. This discretion is limited to the degree that the sum of the per diem disability insurance plus the value of the per diem sick leave bank leave days awarded does not exceed the total per diem amount for the leave as compensated by both wages and disability compensations.
6. Any participant of the sick leave bank making withdrawals from the bank must contribute at least the minimum of eight (8) hours at the beginning of the next calendar year (by January 15 or when 8 hours of leave is earned) in order to be eligible to make withdrawals from the bank in the succeeding years.
7. Any unused sick leave bank hours granted may not be carried forward to any subsequent year and shall be returned to the sick leave bank if unused at the end of the calendar year.
8. At the beginning of each calendar year (by January 15), any employee who is not already a participant of the sick leave bank may join by giving eight (8) hours to the sick leave bank.
9. Participants who have contributed to the sick leave bank will not be requested to contribute to the bank again as long as the bank is considered to be solvent. When the sick leave bank committee determines that more hours/days are needed for the bank to remain solvent, each participant will be requested to contribute eight (8) hours of their earned leave. Failure to contribute will result in termination as a sick leave bank participant.

10. Solvency will be established at the point when 160 hours is accrued and maintained for a period of no less than one year in the bank.
11. A maximum of 640 hours may be in the sick leave bank (prior balance shall be carried forward and no contributions will be accepted until bank balance falls below 640 hours. The only exception will be for new employees and employees not previously participants in the sick leave bank joining at the beginning of any calendar year.)

**Section 3:** The Sick Leave Bank forms attached hereto are hereby approved. The governing committee may revise said forms as necessary in the further approval of this Council.

**Section 4:** It is recognized that there are valuable city employees who may be forced to make undesirable employment action if this ordinance does not go into effect right away. Therefore, in order to continue to preserve the health, safety and welfare of city residents an emergency is hereby declared and this ordinance shall be immediately effective upon its passage and approval.

PASSED AND APPROVED this 3 day of December 2013.

  
NORMAN BECKFORD, Mayor

ATTEST:

  
ALICIA COLLINS, Recorder/Treasurer



# **Personnel Handbook for City of Tontitown**

*December 3<sup>rd</sup>, 2013, Resolution 2013-12-454R*



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# CHAPTER 1

## GENERAL POLICIES

### 1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures which are necessary to implement and administer the City's personnel system. By adopting this Handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

### 1.2 SCOPE

All employees of the City of Tontitown are subject to the application of the personnel policies and procedures described in this Handbook.

### 1.3 DEFINITIONS

**EMPLOYEE**—An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during an given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

**EXEMPT EMPLOYEE**—Employee who not eligible for overtime as defined by the Fair Labor Standards Act.

**FULL-TIME EMPLOYEE**—Employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by the City Council for full-time work.

**NON-EXEMPT EMPLOYEE**—Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

**OVERTIME**—Hours worked in excess of 40 hours during a regular work week.

**DEPARTMENT HEAD**—Person so designated as the head of any city department.

**PART-TIME EMPLOYEE**—Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

**SUPERVISOR**—Person who has been designated to oversee other employees in a department.

**TEMPORARY EMPLOYEE**—an employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

**WORK WEEK**—Seven (7) day period beginning at 12:00 a.m. on Sunday, except for police officers and any other employees specifically excluded from this provision by the terms of this Handbook.

### 1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

Since personnel practices and procedures are in a constant state of change, the City will continuously review this Handbook for amendments or revisions which might better serve the needs of the City and its employees. As such, this Handbook has been designed to be routinely updated and amended as the need arises.

The City of Tontitown shall have the exclusive right to change, alter, delete, add or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall be approved by resolution of the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual, however advance notice may not always be possible.

This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

## **1.5 DISTRIBUTION LIST**

A copy of this manual and all subsequent revisions or amendments shall be distributed to all employees and elected or appointed City officials.

## **CHAPTER 2**

### ***EQUAL EMPLOYMENT OPPORTUNITY***

#### **2.1 EQUAL OPPORTUNITY EMPLOYER**

The City of Tontitown is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

#### **2.2 AMERICANS WITH DISABILITIES ACT**

The City of Tontitown abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Mayor. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

#### **2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT**

##### **2.3.1 POLICY**

The City of Tontitown expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.



## **2.3.2 PROHIBITED CONDUCT DEFINED**

Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e., race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran, or the presence of any physical, mental or sensory handicap.

Discrimination or harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct, including but not limited to the following actions:

- Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist or other derogatory materials, i.e., posters, e-mails, calendars, magazines;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Intentional physical contact with either gender specific portions of a person's body or that person's private parts, i.e., pinching, gestures, unwelcome touching;
- Making offensive sexual, racial or other derogatory hints or impressions;
- Requesting favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment;
- Overtly using one's title or position to sexually or otherwise harass employees.

Discrimination or harassment based upon a person's protected status, is prohibited by federal and state anti-discrimination laws and violates City policy where it:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise unreasonably affects an individual employment opportunity.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and is prohibited under the City's harassment policy when:

- Submission to the conduct is either explicitly or implicitly a term or condition of employment
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
- The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment includes but not limited to:

- Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex
- Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station;
- Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

## **2.4 COMPLAINT REPORTING AND INVESTIGATION**

The City is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- Determine if the conduct alleged in the complaint took place and constitutes harassment which violates federal and/ or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy.
- Stop the offending behavior.
- Restore the complainant's working environment.
- Take steps to prevent retaliation and repetition of the harassment.
- Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

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

1. An employee must immediately report the harassment or suspected harassment, in writing, to the department head immediately. If the department head is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Mayor or City Council. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment.
2. Any supervisor or department head who learns of or receives a complaint of harassment is obligated to report it to the Administrative Coordinator.
3. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that harassment has occurred, the City shall take appropriate corrective disciplinary action, which may include but not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.

No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Tontitown 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 will be taken against those who are found to have violated the City's policy against such retaliation.

If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred back to the department head for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the department head shall determine the manner in which to act upon the findings set forth in the investigation report.

An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

## **CHAPTER 3**

### ***GENERAL EMPLOYMENT POLICIES***

#### **3.1 AT-WILL EMPLOYER**

The City of Tontitown is an at-will employer. This means that the City of Tontitown or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

This Handbook is not intended to create any contractual or other legal rights. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

#### **3.2 AUTHORITY TO HIRE AND FIRE**

The Tontitown City Council establishes the number and compensation of all city employee positions. The job title, classification and annual pay rate will be specified as set forth in the annual budget, and will not be exceeded unless authorized by the City Council. The Mayor may hire and fire those City employees not working under the direct supervision of a department head, unless they are independently contracted as approved by the City Council. City Employees working under the direct supervision of a department head may be hired and fired by the department head which supervises the employees, unless they are independently contracted as approved by the City Council.

#### **3.3 JOB POSTING AND ADVERTISING**

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the office of the City Recorder. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, the position or positions open will be announced and posted on the City's website at least ten (10) days prior to the dead- line for receiving applications. Copies of the job announcement will be distributed to city departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might recruit applicants. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the department head is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

#### **3.4 EMPLOYMENT APPLICATIONS AND RESUMES**

The City of Tontitown relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures.

### **3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS**

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a permanent employment position. Such examinations shall be paid for by the City. The examinations shall be performed by licensed physicians selected by the department head. A summary report of the examining physician shall be provided to the department head as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the department head to be kept in a confidential file apart from the individual's personnel file. The City may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the City Government.

### **3.6 FITNESS FOR DUTY EXAM**

Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation or who pose a direct safety threat to themselves or others shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the department head shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied.

### **3.7 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991**

It is the City of Tontitown's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return- to-duty and follow-up testing. The City of Tontitown will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Tontitown the City's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

### **3.8 DRUG AND ALCOHOL TESTING**

The City of Tontitown has a responsibility to ensure safe-working conditions for its employees and a productive City workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, City is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination.

Any City employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal.

An accident involving City owned Property will require the employee involved to undergo a drug and alcohol blood test.

### **3.8.1 FITNESS FOR DUTY**

Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act (ADA). The City will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the City will result in appropriate disciplinary action, including termination.

### **3.8.2 NOTIFICATION**

As a condition of employment with the City, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off City premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

## **CHAPTER 4**

### ***COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS***

#### **4.1 ATTENDANCE**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the City of Tontitown.

#### **4.2 WORK HOURS**

Except for police officers, the standard workweek shall consist of forty (40) hours per week within a seven day period, unless otherwise arranged by the department head to meet specific departmental needs. Work hours for police employees shall be in accordance with state statutes and departmental regulations.

The standard workday shall begin at 8:00 a.m. and end at 4:30 p.m. unless otherwise arranged by the department head to meet specific job needs. Departments may vary from this schedule based upon departmental necessity. The standard workweek is Monday through Friday.

Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the department head. Flexible work arrangements allow the department head to schedule the workweek of forty (40) hours to meet specific departmental situations.

The City reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of Tontitown. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable.

Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

### **4.3 UNAUTHORIZED WORK TIME**

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action including but not limited to suspension without pay.

### **4.4 COMPENSATION**

#### **4.4.1 REPORTING AND VERIFYING HOURS WORKED**

Compensation for employment with the City of Tontitown may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the forms provided by the department head or provide an electronic report. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet, which may be done electronically. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a weekly basis to their supervisors for approval.

#### **4.4.2 PAYROLL RECORDS**

The department head, or department head's designee, shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours.

#### **4.4.3 PAYROLL PROCEDURES AND PAYDAY**

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to the department head.

#### **4.4.4. WITHHOLDING OF MEMBERSHIP DUES**

Upon receipt of a written request signed by a full-time municipal employee who is represented by a union or professional association, the City will withhold membership dues of the union or professional association from the salary of the employee. The withholding request shall be on a form provided to the employee by the City. The City will transmit all dues that are withheld under this section to the union or professional association representing the employee within five (5) days of the end of the pay period.

A withholding initiated under this section shall be discontinued only upon receipt of a written notice of cancellation signed by the employee.

### **4.5 SALARY BASIS POLICY**

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.



#### **4.5.1 SALARY BASIS REQUIREMENT**

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

#### **4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY**

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see policies on penalties for workplace conduct rule infractions). Also, the City is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

#### **4.5.3 CITY POLICY**

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

#### **4.5.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS**

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the department head in a written letter signed by the employee.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

### **4.6 OVERTIME AND COMPENSATORY TIME**

#### **4.6.1 OVERTIME**

The City will pay overtime in accordance with the Fair Labor Standards Act at one and half times the base rate or hourly rate for all hours worked **in excess of the hours per week set forth in the WORK HOURS section of this Handbook.**

Overtime will be permitted only with prior approval of the department head prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to suspension without pay.

#### **4.6.2 COMPENSATORY TIME**

Compensation for overtime may be made in the form of compensatory leave time ("comp time") to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek. No employee may accumulate more than 240 hours of compensatory time at any given time during the calendar year. Hours in excess of 240 shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the department head or Mayor shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken during the calendar year earned and should be scheduled in the same manner required for vacation days.

#### **4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES**

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this Handbook.

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime for hours worked in excess of the regular workweek.

Exempt employees will be allowed to take time off to offset additional hours required, but no formal accumulation of hours will be recorded in the payroll system. Exempt employees will be required to request time off in advance from the Mayor.

#### **4.7 EMERGENCY SITUATIONS**

It is the policy of the City to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City offices. Such situations shall be determined by the City Council after consideration of all facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

At times it may become necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be approved by the City Council. Arrangements shall be made with other departments, switchboard, etc. to handle any emergency situations during the department's closure. A skeleton crew shall remain in each department to cover phones and assist the public when at all possible.

#### **4.8 TEMPORARY AND SEASONAL EMPLOYEES**

On occasion, the City may hire temporary or seasonal employees who are hired for a set duration (i.e., in the form of a seasonal employee, such as a lifeguard for an outdoor swimming pool) or for a specific project. These employees are not intended to be employed on a regular basis and are employed at-will. Temporary employees may be hired full- or part-time and are paid for actual hours worked at a rate determined by the department head. Temporary, non-exempt employees are eligible for overtime for hours exceeding 40 hours per workweek, subject to all other overtime policies set forth in this Handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other City benefits.

## **4.9 VACANCIES AND PROMOTIONS**

It is the intent of the City of Tontitown to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Tontitown an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.

The final decision regarding promotions shall be made by the department head.

## **4.10 TRAINING**

The City of Tontitown is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notify his/her department head. Expenses incurred in on-the-job training should be assumed by the City.

## **4.11 PERFORMANCE EVALUATIONS**

All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

## **4.12 JOB SAFETY**

The City of Tontitown strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or department head for the correct method.

Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any and every accident to the supervisor or department head.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or City property.

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted on City property, or in an employee's possession while conducting City business offsite. Of course, theft of any kind will not be tolerated.

#### **4.13 REFUSAL TO WORK**

A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the City of Tontitown.

#### **4.14 RESIGNATION/TERMINATION**

Employees who wish to terminate their employment with the City of Tontitown are required to notify the city at least two

(2) weeks in advance of their intended termination. Such notice should be given in writing to the employee's department head or supervisor. Although not required, proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee will have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are required to provide the City with a minimum of two (2) months notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

All employment relationships with the City of Tontitown are on an at-will basis. Thus, although the City of Tontitown hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

#### **4.15 EXIT INTERVIEWS**

Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any City property in his/her possession or which was entrusted to him/her.

#### **4.16 JOB DESCRIPTIONS**

It shall be the responsibility of the department head to maintain a job description on file for each position in the department. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgment.

# **CHAPTER 5**

## **BENEFITS**

### **5.1 VACATIONS**

#### **5.1.1 POLICE DEPARTMENT**

Pursuant to Ark. Code Ann. §14-52-106, each employee shall be granted an annual vacation of not less than one hundred and twenty (120) hours with full pay.

All employees of the police department shall accumulate vacation time at the rate of ten (10) working hours for each month of working service.

Vacation time will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than forty (40) vacation hours may be carried over six (6) months past the anniversary date without prior written approval of the department head. Accrued vacation days not taken within this time period will be deemed used.

#### **5.1.2 VACATION TIME FOR NON-UNIFORMED EMPLOYEES**

Full-time employees with less than 7 years of service shall accrue vacation leave at the rate of 6.664 hours/month (80 hours/year) of working service. Full-time employees with over 7 years of service shall accrue vacation leave at the rate of 10 hours/month (120 hours/year) of working service. Neither part-time nor temporary employees shall accrue vacation time.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than forty (40) vacation hours may be carried over six (6) months past the anniversary date without prior written approval of the department head. Accrued vacation days not taken within this time period will be deemed used.

To the extent it differs from the procedure set forth herein, the uniformed employees of the Police Department shall accrue vacation hours in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

Policies concerning vacation time for non-uniformed employees in no way alter the City of Tontitown's at-will employment policy as described in this Personnel Handbook.

#### **5.1.3 SCHEDULING VACATIONS**

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits in to the overall scheduling of the department. Employees should notify their department heads at least seven days in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed determined by the department head based upon departmental workloads. The City reserves the right to alter vacation schedules.

Maximum vacation leave to be taken at any one time is (15) days, unless advance approval is granted.

If a City-observed holiday occurs within an employee's vacation period, equivalent time off with pay will be provided, or at the employee's request the employee's vacation may be extended for one (1) additional working day.

### **5.2 HOLIDAYS AND HOLIDAY PAY**

The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the State of Arkansas.

<b>HOLIDAY</b>	<b>DAY/DATE</b>
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

In addition, each employee shall be provided an annual holiday on the date of his or her birthday. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the succeeding Monday.

### **5.3 INCLEMENT WEATHER**

In the event City offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either annual leave, comp time or leave without pay. At his or her supervisor's discretion, an hourly employee may make up lost time through an adjusted work schedule, but under no circumstances shall this result in the employee becoming eligible for overtime compensation.

In the event the Mayor declares that City offices are closed, or office openings are delayed, all non-essential full-time employees will be paid for such time off. Part-time employees will only be paid if normally scheduled to work that day and only for those hours which the employee would normally work. Those employees who have been designated by management as essential personnel, regardless of weather conditions, shall report to their work sites according to the work schedules established for them.

### **5.4 SICK LEAVE**

#### **5.4.1 POLICE DEPARTMENT**

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary. (ACA 14-52-107)

#### **5.4.2 NON-UNIFORMED EMPLOYEES**

The City of Tontitown recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Tontitown provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of eight hours per month.



Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of thirty (30) days.

An employee may be eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury or death in the employee's immediate family which require the employee's presence. Immediate family includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
- Necessity of medical or dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certificate of release to the department head before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half ( $\frac{1}{2}$ ) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the City.

### **5.4.3 SICK LEAVE BANK**

#### **A) Participation**

All full-time city employees who have full benefits are allowed to participate in the Sick Leave Bank after declaring their intention to participate and donate at least eight (8) accumulated hours of leave to the bank by January 15 of the calendar year (new hires are allowed to join 30 days after getting full benefits, which is 90 days, for a total of 120 days, including existing employees 30 days from inception of ordinance).

Such declaration and contribution shall be made on a Sick Leave Bank Form.

#### **Governance**

The Sick Leave Bank is governed by the Mayor, Recorder/Treasurer, and one full time employee elected in an election run by the Police Chief. Any request for leave from the Sick Leave Bank must be requested from the committee on a Sick Leave Bank request form. This committee shall approve or disapprove requests based on individual situations and documentation. The Committee may review employee records and documentation.

#### **B) Rules of Operation**

1. Only participants who have made a contribution to the bank may make requests from the Bank.

2. Sick Leave Bank hours will be granted only in the cases of physical, mental, or emotional illness of the participant, or illness or death in the immediate family. Immediate family shall include participant's spouse, children, spouse's children, parents, spouse's parents, and any other relatives living in the same household.
3. Sick Leave Bank hours will only be granted after the exhaustion of all other paid compensation (sick leave, vacation and compensatory time). Sick Leave Bank hours or days are grants and do not require repayment.
4. Sick leave grants made from the banks shall be for up to **160 hours** for an individual applicant per year, if the hours are available.
5. The sick leave bank committee shall have the discretion to award days in fractional amounts up to the **maximum 160 hours** per year to a participant who has disability income protection insurance that pays a per diem rate less than the employee's contracted per diem rate. This discretion is limited to the degree that the sum of the per diem disability insurance plus the value of the per diem sick leave bank leave days awarded does not exceed the total per diem amount for the leave as compensated by both wages and disability compensations.
6. Any participant of the sick leave bank making withdrawals from the bank must contribute at least the minimum of eight (8) hours at the beginning of the next calendar year (by January 15 or when 8 hours of leave is earned) in order to be eligible to make withdrawals from the bank in succeeding years.
7. Any unused sick leave bank hours granted may not be carried forward to any subsequent year and shall be returned to the sick leave bank if unused at the end of the calendar year.
8. At the beginning of each calendar year (by January 15), any employee who is not already a participant of the sick leave bank may join by giving eight (8) hours to the sick leave bank.
9. Participants who have contributed to the sick leave bank will not be requested to contribute to the bank again as long as the bank is considered to be solvent. When the sick leave bank committee determines that more hours/days are needed for the bank to remain solvent, each participant will be requested to contribute eight (8) hours of their earned leave. Failure to contribute will result in termination as a sick leave bank participant.
10. Solvency will be established at the point of 160 hours is accrued and maintained for a period of no less than one year in the bank.

A maximum of 640 hours may be in the sick leave bank (prior balance shall be carried forward and no contributions will be accepted until bank balance falls below 640 hours. The only exception will be for new employees and employees not previously participants in the sick leave bank joining at the beginning of any calendar year.)

## **5.5 FUNERAL OR BEREAVEMENT LEAVE**

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.

As used in this subsection, "immediate family" means mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family, or those relatives who live in the employee's household including "step" relatives.

Travel time may be granted upon prior approval from the department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The department head may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

## **5.6 MATERNITY LEAVE**

Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all

employment-related purposes as persons disabled for non-pregnancy related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee will be granted for maternity use after which leave without pay must be used.

## **5.7 UNIFORMED SERVICES**

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 USC 4301 et seq., and in Ark. Code Ann. § 21-4-102. It is the City's policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and re-printed in Appendix A of this Handbook.

As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under Ark. Code Ann. § 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FLSA provides further rights to family members of military personnel.

## **5.8 FAMILY MEDICAL LEAVE**

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Because the City of Tontitown has fewer than fifty (50) employees, its employees are not eligible for family medical leave. At such time as the City's employees do become eligible under the Act, this provision will be revised to reflect the benefits pursuant to the FMLA.

## **5.9 LEAVE FOR WITNESS OR JURY DUTY**

Regular full time employees who have completed a minimum of ninety (90) calendar days of service will be granted leave with pay for witness or jury duty. This paid leave shall not exceed two (2) weeks of paid jury or witness duty leave over any two (2) year period. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the department head a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

## **5.10 MISCELLANEOUS LEAVE**

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be preapproved by the department head. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid.

The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses.

The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action.

### **5.11 EMPLOYEE HEALTH BENEFITS**

The City of Tontitown provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from the department head.

### **5.12 OCCUPATIONAL INJURIES**

All City employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an

"on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located at City Hall.

### **5.13 ACCIDENTAL INJURY**

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred.

## CHAPTER 6

### STANDARDS OF CONDUCT

#### 6.1 COMMUNICATING WITH THE PUBLIC

Employees of the City of Tontitown shall at all times be civil, orderly and courteous in their conduct and demeanor towards the public. Each employee should treat members of the public with respect and efficiently provide responses to their inquiries or requests. **This attitude or approach to public service cannot be overemphasized.**

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

#### 6.2 UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Mayor. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor or department head.

#### 6.3 GUIDELINES FOR APPROPRIATE CONDUCT

The City of Tontitown expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

Whether an employee is on-duty or off-duty, his/her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

Types of behavior and conduct that the City considers inappropriate include, but are not limited to the following:

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;
- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;
- Excessive, unnecessary or unauthorized use of city property;
- Reporting to work intoxicated or under the influence of nonprescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business or utilizing city vehicles, except where authorized, i.e. police assignment;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of property from co-workers, citizens or the city;
- Unauthorized possession of firearms on city premises or while on city business;
- Disregarding safety or security regulations;
- Insubordination;
- Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or

regulations, an employee will be subject to disciplinary action up to and including dismissal.

## **6.4 ABSENTEEISM AND TARDINESS**

Regular attendance is essential to the effective business operations, and the City of Tontitown expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors, City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time because of illness or personal emergency, he/she should give proper notice to his or her supervisor.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns (i.e., regularly reporting late on Monday mornings or calling in absent on Fridays), or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action.

“Proper notice” is defined by the City as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the Department Head or the employee's supervisor will be deemed absence without leave. Such absence shall be without pay.

## **6.5 INCLEMENT WEATHER**

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is required to give his or her supervisor proper notice if he or she is unable to report for work.

## **6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING**

If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the department head

## **6.7 VOTING**

City employees are encouraged to exercise their legal right to vote and, if necessary and requested in advance, reasonable time will be granted for the purpose.

## **6.8 OUTSIDE COMPENSATION**

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee; it shall be credited to a designated employee fund with approval of the Mayor.



## **6.9 USE OF NARCOTICS, ALCOHOL AND TOBACCO**

Employees of the City of Tontitown shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination. A supervisor or appropriate manager will require a drug or alcohol test for any accident involving City owned property. Refusal of an employee to take the test(s) may result in immediate discharge.

In keeping with the City's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited and in all public places within the City of Tontitown. This policy applies equally to all employees and visitors, and is in keeping with the applicable City laws or ordinances in relation thereto.

## **6.10 DRUG-FREE WORKPLACE**

It is the policy of the City of Tontitown to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Tontitown or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, and the city's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

## **6.11 USE OF CITY ASSETS AND RESOURCES**

### **6.11.1 TELEPHONES**

Telephones are to be used to conduct City business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the Mayor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.

Cellular telephone calls are more expensive than those using ordinary telephone services. These higher costs shall be weighed against the level of employee need and expected usage. Cellular phones should be used only when a lower cost alternative is inconvenient or not readily available. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

City-issued cellular or mobile telephones should be used for City business-related purposes. Personal calls are to be minimized. The City reserves the right to monitor the billing and use of all City-issued cellular/mobile telephones and has the authority to withhold any unauthorized amounts from the

employee's wages.

By accepting the use of City-issued cellular telephones, employees agree to promptly reimburse the City for all personal calls made which are deemed by the City to be excessive in frequency or duration.

Employees are responsible for maintaining a record of the phone numbers and names of persons or businesses that have been called, or who call, for personal reasons and provide a copy of the records to the department head. In the alternative, the required information may be noted on the monthly cellular service billing. The employee shall attach a copy of the receipt or check to the cellular phone bill to show reimbursement has been made to the City for any personal calls.

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of his/her City-issued cellular/mobile phone terminated.

### **6.11.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES**

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Tontitown provides various information and technology resources such as e-mail, computers, software/ computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. Please remember that these tools are City property and must be used in a manner that reflects positively on the City and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the City. Reading another employee's files is prohibited unless authorized by the department head. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department responsible for the data.

The City will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

- Hacking;
- Pirating software or audio/video files;
- Soliciting
- Distributing literature for outside entities;
- Sending inappropriate e-mails;
- Accessing, viewing, or downloading inappropriate Web sites, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
- Distributing confidential information to persons/entities who are not entitled to such information;
- Storing or placing unlawful information on a computer or the network;
- Copying system files without proper authorization;
- Copying copyrighted materials without proper authorization;
- Use of abusive or otherwise objectionable language in either public or private messages;
- Sending messages that are likely to result in the loss of the recipient's work or systems use;
- Sending "chain-letters," jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
- Decryption of system or user passwords.

Only software which has been purchased or approved by the City of Tontitown may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with City computers, networks, or storage media are property of the City and shall not be removed from the workplace without proper authorization. The City's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software.

Computer equipment, including software, should not be removed from City premises without prior written

approval from the department head. Computer equipment taken off of City premises must be used for official City business only.

The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

### **6.11.3 INTERNET ACCESS**

Internet access is provided to employees to conduct City business. Employees accessing the Internet are to do so for business-related purposes only. The City reserves the right to monitor Internet use to assure that Internet use is for legitimate business purposes and that access to the Internet is not abused by any one employee.

Downloading files without the express consent of the department head is prohibited. Files downloaded from the Internet, or any other outside service, may contain a computer virus and must be scanned by a virus checking software prior to being used on a City computer. Uploading to the Internet is prohibited unless authorized by the department head to avoid interception and unauthorized access to information.

### **6.11.4 ELECTRONIC MAIL AND CONFIDENTIALITY**

The City of Tontitown provides electronic mail for business purposes. The City maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or that access by the City or its designated representative will not occur. Therefore, any personal use of the City's electronic mail system shall be kept to a minimum.

The electronic mail system shall not be used: to solicit or proselytize for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation; to create any unwelcome, offensive, or otherwise disruptive messages including sexual innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability; or to send or receive copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

Employees are not authorized to retrieve or read e-mail messages that are not sent to them.

### **6.11.5 REMOVAL OF CITY PROPERTY**

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from the Mayor, and must be in accordance with the rules and regulations established by the City of Tontitown.

## **6.12 CITY VEHICLES**

On occasion, the City may permit certain employees to use its vehicles to conduct City business. A valid and current driver's license must be in possession of the operator and maintained at all times. When using a City vehicles, employees shall exhibit due care at all times and shall comply with all federal, state, and local laws pertaining to operation of the vehicle.

The use of City vehicles is restricted to City business purposes only. Employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City. With prior permission of the department head, employees may transport spouses in City vehicles when attending conferences or meetings.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle.

Thefts or accidents involving City vehicles must be reported immediately to the police, department head, and the Mayor. Personnel involved in accidents in City vehicles may be required to undergo drug and/or alcohol testing. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

## 6.13 DISCIPLINARY ACTION

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in this Handbook, or any other City policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

**WARNING OR REPRIMAND.** A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

**SUSPENSION.** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.

**DEMOTION.** A demotion is an action that places the employee in a position of less responsibility and less pay.

**TERMINATION.** This type of disciplinary action is a removal of an employee from city employment.

## **CHAPTER 7**

### **MISCELLANEOUS INFORMATION**

#### **7.1 POLICY STATEMENT**

The City of Tontitown possesses the sole right to operate and manage the affairs of the city.

#### **7.2 CONFLICTS**

The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

#### **7.3 SEVERABILITY**

Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of this Handbook shall be deemed to include those statements of law.

#### **7.4 POLICY CHANGES**

The City of Tontitown reserves the right to suspend, revoke, or revise any of the policies contained this Handbook at any time.

#### **7.5 CHANGE OF ADDRESS**

Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her Department Head.

# CHAPTER 8

## FORMS

### APPENDIX A

#### RECEIPT OF CITY OF TONTITOWN PERSONNEL HANDBOOK

(To be placed in employee's personnel file)

I, \_\_\_\_\_, acknowledge receipt of the City of Tontitown Personnel

Handbook. I understand that this Handbook is not a contract.

I understand that reading this Handbook constitutes one of my job duties and that I am required to perform my job duties in accordance with the policies contained in this Handbook and any additional rules, regulations, policies or procedures which may be imposed by the City of the department in which I work whether or not I read this Handbook. I understand that my failure to read this Handbook, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this Handbook, I should direct them to my supervisor or the Mayor.

Signed \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_ [insert name and title of individual], provided a copy of  
the City of  
\_\_\_\_\_ Personnel Handbook to \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

Signed \_\_\_\_\_

Date \_\_\_\_\_



## **APPENDIX B**

### **EMPLOYMENT RECORDS RELEASE**

TO: \_\_\_\_\_

You are hereby authorized and requested to give to\_\_\_\_, or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including disciplinary reports, memos, statements, results of or physicals, drug testing results, and any and all other information which they may request concerning my employment.

You are authorized to release any information relating to my employment, including but not limited to, any information relating to my employment or otherwise maintained by you during the entire term of my employment relationship with you. This authorization is continuing in nature and does not expire unless you receive written, signed and acknowledged notice from me or my authorized agent. A photocopy of this release shall be as valid as an original.

\_\_\_\_\_  
EMPLOYEE (Signature)

\_\_\_\_\_  
EMPLOYEE (Printed Name)

STATE OF ARKANSAS)

(COUNTY OF \_\_\_\_\_)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

## APPENDIX C

# City of Tontitown

## Sick Leave Bank Enrollment Form

Date: \_\_\_\_\_

I, \_\_\_\_\_ do hereby wish to be a participant of the sick leave bank. I know that to be a participant, I must donate at least eight (8) hours of leave to the bank.

I, \_\_\_\_\_ do hereby donate to the sick leave bank eight (8) hours from my accrued leave.

Signed,

\_\_\_\_\_

## APPENDIX D

### SICK LEAVE BANK APPLICATION FORM CITY OF TONTITOWN

Name: \_\_\_\_\_ Date: \_\_\_\_\_

I am an eligible employee and wish to make an application for \_\_\_\_\_ hours of leave from the Sick Leave Bank for the following reason (use back of form or an additional sheet of paper if additional space is needed.)

Please Note: You are only allowed to request up to 160 hours per application and 160 hours per calendar year pursuant to Sick Leave Bank Policy.

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I have fulfilled the required guidelines as marked below:

\_\_\_\_ Exhausted all accumulated sick, vacation, and comp leave.

\_\_\_\_ Attached the required Doctor's verification pursuant to policy.

Employee Signature (or designee): \_\_\_\_\_

#### RETURN THIS FORM TO THE RECORDER/TREASURER'S OFFICE

##### OFFICE USE ONLY

The above individual has met the required guidelines:

☐ Yes ☐ No      Signature: \_\_\_\_\_

#### SICK LEAVE BANK COMMITTEE RECOMMENDATION:

The Sick Leave Bank committee met on: \_\_\_\_\_

Your request for \_\_\_\_\_ hours was ☐ APPROVED ☐ DENIED

If approved: FROM \_\_\_\_\_ TO \_\_\_\_\_

Reason \_\_\_\_\_ for \_\_\_\_\_ Denial: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX E

# CITY OF TONTITOWN EMPLOYEE LEAVE REQUEST

THIS FORM MUST BE FILLED OUT AND SUBMITTED TO YOUR SUPERVISOR FOR APPROVAL. PLEASE SUBMIT YOUR REQUEST FOR VACATION AT LEAST (7) SEVEN DAYS PRIOR TO THE DATE THAT YOU WANT TO TAKE OFF. FOR SICK TIME, PLEASE NOTIFY YOUR SUPERVISOR PER POLICY AND SUBMIT REQUEST UPON YOUR RETURN TO WORK.

NAME: \_\_\_\_\_  
(print)

BRANCH: \_\_\_\_\_

POSITION: Hourly ☐ Salary ☐  
(please check)

DATE(S) OF LEAVE:  
BEGINNING \_\_\_\_\_ ENDING \_\_\_\_\_  
(first day off) (last day off)

LEAVE TYPE:

VACATION \_\_\_\_\_ DAYS OR \_\_\_\_\_ HOURS (must be 1/2 or whole hr increments)

SICK \_\_\_\_\_ DAYS OR \_\_\_\_\_ HOURS (must be 1/2 or whole hr increments)

COMP \_\_\_\_\_ DAYS OR \_\_\_\_\_ HOURS (must be 1/2 or whole hr increments)

I understand if I do not have enough leave time available I will take the time off as unpaid

EMPLOYEE'S  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

I approve this leave request and have verified time is or will be available for the requested time off

SUPERVISOR'S  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_