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# CITY OF TONTITOWN PERSONNEL HANDBOOK

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Revised June 2020

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# CHAPTER 1

## GENERAL POLICIES

### 1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures that 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 contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to your department head.

### 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 AT-WILL EMPLOYMENT

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. This also means that the city can modify the terms of any employee's employment going forward, including but not limited to terms regarding compensation. An employee's continued employment with the city after changes in his or her compensation and other terms of employment will be construed as acceptance of the changed terms.

This handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. This handbook should not be construed to create an employment relationship for any definite period of time.

Nothing under law, nothing in this handbook, and nothing contained in any other policies, comments, or writings made during the application or employment process shall waive the city's at-will status. No employee, officer, or agent of the City of Tontitown has the authority to alter or waive the at-will status of any employee of the city, or to offer or purport to offer a contract of

employment to any employee or prospective employee which is contrary to the at-will status set forth by this handbook, without prior express written approval of the city council. The city council has the sole and absolute authority to change the at-will status of city employees and the policies set forth in this handbook.

#### 1.4 DEFINITIONS

As used in this handbook, the below terms have the following meanings:

CITY—The City of Tontitown, Arkansas.

CITY COUNCIL—The City Council of the City of Tontitown, Arkansas.

CIVILIAN EMPLOYEE—Any employee who is not a uniformed employee.

DEPARTMENT HEAD—The person who is in charge of a department within the city, including but not limited to the Police Chief, Fire Chief, etc. “Department head” also includes the Mayor for those employees who do not work within an established department.

DESIGNATED CAREGIVER—Employee who has agreed to assist a physically disabled qualifying patient with the medical use of marijuana, and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.

EMPLOYEE—An individual who is compensated by and provides a service to the city regardless of the number of hours of work performed during any 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.

ESSENTIAL PERSONNEL—Those employees who are required to provide mandatory services, and who must be on the job regardless of an emergency situation or inclement weather event. The Mayor will ensure that those employees designated as essential for their department are aware of this designation and understand that they are required to report to or remain at work during an emergency situation or inclement weather event.

EXEMPT EMPLOYEE—Employee who is not eligible for overtime or compensatory time as defined by the Fair Labor Standards Act (FLSA).

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

IMMEDIATE FAMILY MEMBER—An employee’s mother, father, brother, sister, son, daughter, grandparents, uncle, aunt, niece, nephew, first cousin, son-in-law, daughter-in-law, spouse,

spouse's parents, or those relatives who live in the employee's household, including "step" relatives and half siblings.

NON-ESSENTIAL PERSONNEL—Those employees who are not essential personnel.

NON-EXEMPT EMPLOYEE—Employee who is eligible for overtime compensation or compensatory time off as defined by the FLSA.

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 by the city council.

QUALIFYING PATIENT—An employee who has been diagnosed by a physician as having a qualifying medical condition and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.

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.

UNIFORMED EMPLOYEE—An employee who is a firefighter or police officer.

## 1.5 AMENDMENTS AND REVISIONS

This handbook 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 that 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 action 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.

## 1.6 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 provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race; color; religion; sex; national origin; age; disability unrelated to job requirements; genetic information; political status; marital status; status as a veteran or member of the military or national guard; status as a qualifying patient or designated caregiver; or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution; or other federal, state, and local laws. The city's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, discipline, and training.

#### **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.

#### **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, on grounds such as those listed in paragraph 2.1 of this policy or any other ground protected by state or federal constitutions or laws.

Harassment or discrimination of any employee is a serious violation of city policy and will not be tolerated. Neither will workplace retaliation against someone for having complained of harassment.

##### **2.3.2 PROHIBITED CONDUCT DEFINED**

For the purposes of this policy, "harassment" refers to an annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of the employee's membership in any legally protected class or for some other trait the employee was born with (i.e., race, color, religion, sex, national origin, age, genetic information, political status, marital status, or status as a veteran or special disabled veteran, or the presence of any

physical, mental, or sensory handicap). Harassment may be considered a violation of federal and/or state law.

Employees should know that they should not participate in (and do not have to tolerate) the following types of protected class harassment regardless of whether the harasser is a co-worker, supervisor, citizen, or any other person with whom the employee's job brings him/her into contact:

- Racial harassment
- Harassment due to religion or views concerning religion
- Harassment due to national origin
- Sexual harassment (gender neutral)
- Harassment due to age of employees who are at least 40 years old
- Harassment because of disability or perceived disability
- Harassment based on color
- Harassment based on sexual orientation
- Harassment based on gender identity
- Harassment based on other protected categories in paragraph 2.1 of this policy

### 2.3.3 DISCRIMINATION AND HARASSMENT GENERALLY

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

- Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, unwanted sexual invitations, or negative comments because of the employee's protected class membership;
- Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interferences with the work directed at an individual because of the employee's protected status;
- Displaying or distributing offensive materials. This includes derogatory or sexual posters, cartoons, emails, calendars, magazines, drawings, or gestures;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Unwanted, intentional physical contact, whether it be of a sexual or other nature;
- Making protected status innuendos;

- Requesting favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment;
- Gender-based harassment, including sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions; and/or
- Retaliation for having reported harassment.

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 and adversely affects an individual employment opportunity.

#### 2.3.4 SEXUAL HARASSMENT

Sexual harassment is illegal and is a serious form of misconduct. Sexual harassment of employees, non-employees, and/or citizens with whom the City of Tontitown has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated. The City of Tontitown is committed to maintaining a working environment, free from all forms of sexual harassment.

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; and/or
- 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 is not limited to:

- Inappropriate physical contact, including blocking of movement, brushing against the body, coercive sexual involvement, cornering, grabbing, hugging, kissing, patting, pinching, poking, stalking, any form of sexual assault, and touching;
- Inappropriate visual contact including leering, obscene gestures, and staring;
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's individual work station;
- Unwelcome verbal behavior, such as comments, suggestions, jokes, demeaning remarks, insults, requests, sexual innuendo, suggestive statements, slurs, or other derogatory remarks based on sex;
- Unwelcome or invasive flirting;
- Continued requests for dates and propositioning an individual; and/or
- 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.

### 2.3.5 BULLYING

Bullying is conduct by employees, supervisors, managers, or executives that involves repeated, abusive, health-harming mistreatment of one or more people by one or more perpetrators. Bullying of employees, non-employees, and/or citizens with whom the City of Tontitown has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated.

Bullying conduct includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Additionally, the City of Tontitown considers the following types of behavior examples of bullying:

- Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.

- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

The following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

## 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 that 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.

#### 2.4.1 COMPLAINT PROCEDURES

It is every employee's and official's responsibility to ensure that his or her conduct does not constitute 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 their department head. If the employee's 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, another department head, or a city official.
2. Employees have a responsibility to report harassment. 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. Employees should note that failure to report harassment creates a situation where a harassed employee's situation is much more likely to remain unresolved. The very worst thing for an employee to do in a harassment situation is fail to report it.
3. If the complaint involves sexual harassment and the complaining employee prefers to speak with a person of the employee's same gender, the city will make every effort to accommodate that request.
4. Any supervisor, department head, or city official who learns of or receives a complaint of harassment through any means (including witnessing, overhearing, learning of a rumor, or otherwise becoming aware of alleged harassment in the workplace) is obligated to report it to the City Attorney and/or the Mayor.
5. Each complaint shall be treated confidentially and be fully investigated internally. 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 is not limited to, verbal and/or written warnings, probation, suspension, demotion, and/or termination.

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 or city official who received the complaint for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the supervisor or city official shall determine the manner in which to act upon the findings set forth in the investigation report.

#### 2.4.2 RETALIATION

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.

#### 2.4.3 FALSE ACCUSATIONS

Employees who have genuinely been subjected to harassment are encouraged to come forward and report it, so that the city can take action to stop the problematic behavior. This is because harassment is harmful to others and cannot be tolerated. Conversely, if false accusations are proven to have been intentionally made against others by an employee who knows (or has reason to know) that the allegations are false, this would be considered equally harmful by the city, and—as is the case of someone proven to be harassing others—would result in appropriate disciplinary action.

## **CHAPTER 3**

### **GENERAL EMPLOYMENT POLICIES**

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

The City of Tontitown is an at-will employer, as fully set forth in Section 1.3 (“At-Will Employment”).

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

In accordance with state law, and subject to city council’s power to override the Mayor’s decision by a two-thirds vote, the Mayor has the sole authority to hire and fire department heads. See Ark. Code Ann. § 14-42-110. Further, the Mayor has the authority to hire, fire, promote, and demote city employees who are not working under the direct supervision of a department head, unless they are independently contracted as approved by the city council.

Department heads have the authority to hire, fire, promote, and demote non-department head employees of the city within their department. Although the Mayor and city council also have the authority to hire, fire, promote, and demote non-department head employees within any department, department heads are responsible for the same within their department.

Employees who are not department heads do not have the authority to hire or fire any employees on behalf of the city.

Neither the Mayor nor any employee of the city has the authority to determine or change the terms of employment for any employee of the city, including an employee’s at-will status (as provided in Section 1.3, “At-Will Employment”). As provided in Section 1.5 (“Amendments and Revisions”), only the city council has the final authority to change the terms of employment for any employee of the city, or to change or otherwise modify the terms of this handbook. In this paragraph, “terms of employment” include but are not limited to those terms regarding compensation and other terms of employment.

#### **3.3 VACANCIES AND JOB POSTING**

It is the intent of the City of Tontitown to hire and promote the most qualified applicant for all vacant positions. 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 at the City Administration Office. 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. Applications for full-time city employment will not be accepted from anyone under 18 years of age.

In the event of a job opening, the position or positions open may be announced in an appropriate fashion at the direction of the Mayor or his or her designee prior to the deadline for receiving applications.

### 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

Certain applicants will be required to take post-offer pre-employment physicals before they will be hired by 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 city.

A summary report of the examining physician shall be provided to the Mayor's office 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 Mayor's office 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 employee's 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, the city is committed to maintaining a workplace 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, and abuse of illegal drugs or alcohol while on city premises during work hours.

For employees who are not covered by the Federal Motor Carrier Safety Regulations, the city requires drug and alcohol testing of employees who are involved in an accident involving city-owned property. In addition, the city may require drug or alcohol testing of any other city employee in accordance with applicable law.

The City of Tontitown prohibits the possession, smoking, or otherwise use of medical marijuana on city premises. The City of Tontitown reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the

employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

Any city employee who violates this substance abuse policy, or any other substance abuse provisions in this handbook, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal, as allowed by federal, state, and local laws.

### 3.8.1 FITNESS FOR DUTY

Current abuse of drugs 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. 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 outside of the workplace 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, as allowed by federal, state, and local law.

### 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 days after the conviction.** Failure to report a conviction within the five-day period may result in disciplinary action, including immediate termination.

## 3.9 NEPOTISM

An employee may not work in the same line of supervision of an immediate family member whereby one supervises the other or has authority to hire, transfer, suspend, lay-off, recall, promote, discharge, or assign the other. Relationships by family or marriage shall constitute neither an advantage nor disadvantage to the appointment, hiring, or termination of employment.

## 3.10 EXPENSE POLICY

Expenses incurred by city employees or officials for approved on-the-job training, meals, lodging, and travel shall be assumed by the city on a per diem basis. Compensation for travel time and

attendance at programs will be made in accordance the current per diem rates set forth by the United States General Services Administration. This per diem does not apply to any training or meetings in Washington County or in any counties adjacent to Washington County.

Per diem rates will only be provided to employees or officials upon the receipt of appropriate documentation. An employee or officials may opt to claim actual expenses in lieu of the per diem rate; however, the city generally will not reimburse actual expenses in excess of the per diem rate. Any reimbursement in excess of the per diem rate must be approved in advance by a department head or the Mayor.

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

### 3.11 CITY CREDIT CARDS

The Mayor, department heads and certain designees of the Mayor are authorized agents to the authorized use city cards pursuant to the this policy. Any purchase or expenses in excess of \$200.00 must be approved in advance by a department head. Any expense in excess of \$1,000.00 must be approved in advance by the Mayor or the Mayor's designee.

City credit cards shall remain at the Mayor's office at all times unless approved to be used offsite by the Mayor. The Mayor and Clerk-Treasurer are responsible for ensuring that city credit card charges are accurate and properly accounted for.

Use of a city credit card by unauthorized persons or for any non-allowable transactions could result in disciplinary action, up to and including termination, and/or criminal or civil penalties.

City credit card balances will be paid monthly, prior to the payment due date, in order not to incur finance charges.

### 3.12 TAXATION OF UNIFORMS & CLOTHING

Any uniform or clothing provided by the city to an employee that the employee must wear as a condition of employment and that is in no way suitable for everyday wear will not be included as part of the employee's wages earned from employment with the city.

On the other hand, any clothing provided by the city to an employee that the employee does not have to wear as a condition of employment, or that the employee is able to wear as everyday clothing when off-the-job will be included in the employee's wages earned from employment with the city.

### 3.13 GENETIC INFORMATION

The city shall not request or require genetic information from an individual or family member, or keep records of or disclose said genetic information, except as specifically allowed by the Genetic

Information Nondiscrimination Act of 2008 (GINA). In making any request for medical information from a medical provider, the city shall include the following language in the request:

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information,’ as defined by GINA, means, with respect to any individual, information about an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

## **CHAPTER 4**

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

#### **4.1 ATTENDANCE**

Employees shall be in attendance at their workstations in accordance with the rules and regulations established by the city. Regular and punctual attendance is an essential job duty for every employee of the city.

#### **4.2 WORK HOURS**

For civilian employees, the standard work week will consist of 40 hours per week within a seven-day period starting at 00:00 a.m. Monday and ending at 23:59 p.m. the following Sunday. The standard work day will begin at 8:00 a.m. and end at 4:30 p.m. Monday through Friday.

For police officers, the standard work period will consist of 84 hours within a 14-day period starting at 00:00 a.m. Sunday and ending at 23:59 p.m. the second Saturday. For firefighters, the standard work period will consist of 80 hours within a 14-day period starting at 00:00 a.m. Sunday and ending at 23:59 p.m. the second Saturday.

Department heads may vary an employee's schedules based upon departmental necessity. Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the employee's supervisor or department head.

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 Mayor or the employee's department head. Changes in work schedules will be announced as far in advance as practicable, but work schedules can be changed with little or no notice.

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

#### **4.3 UNAUTHORIZED WORK TIME**

Because of Fair Labor Standards Act (FLSA) regulations, non-exempt employees are not to commence work prior to their scheduled start 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

It is each employee's responsibility to monitor and record an accurate status of the hours the employee works per payroll period to ensure that the employee is properly paid for time worked.

All employees shall report their hours worked on the forms provided and in the manner required by the city. It is the responsibility of each employee to properly complete a timesheet recording the time that the employee worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a biweekly basis to their supervisors for signatures. The supervisors shall forward the same to the payroll department in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked, and overtime accrued and taken.

### 4.4.2 PAYROLL RECORDS

The payroll department shall keep and maintain a record of work attendance, vacation, and sick leave earned, used, and accrued, along with 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 as the requirements of the employee's work duties permit.

### 4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid every two weeks on Wednesday. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday if possible.

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

### 4.4.4 WITHHOLDING OF MEMBERSHIP DUES

Upon receipt of a written request signed by a full-time 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 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 \$684 per week. Job titles do not determine exempt status. For an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the FLSA regulations.

##### 4.5.1 SALARY BASIS REQUIREMENT

To qualify for exemption, employees generally must be paid a federally mandated minimum salary and meet additional requirements imposed by the FLSA.

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 work week 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 work week 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 to the extent allowed by law.

#### 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.

#### 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 your department head or the payroll department.

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

#### 4.6.1 IN GENERAL

The city will calculate and pay overtime in accordance with the Fair Labor Standards Act (FLSA) at one and one-half times the base rate or hourly rate for all hours worked in excess of the hours per week or work period set forth in Section 4.2 (“Work Hours”) of this handbook.

Overtime will be permitted only with prior approval of the employee’s department head or the Mayor 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 NON-EXEMPT AND EXEMPT EMPLOYEES

Non-exempt employees are subject to FLSA overtime requirements and therefore are subject to the overtime policies set forth in this handbook.

Exempt employees are not subject to the FLSA 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 FLSA. Exempt employees are not eligible for overtime or comp time for hours worked in excess of their regular work week or work period.

#### 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 and facilities. Such situations shall be determined by the Mayor and reported or referred to the City Council as may be required by law after consideration of all facts and evaluation of the health, safety and welfare concerns for city employees and citizens. During emergency situations, only essential personnel will be required to report to work. Essential personnel who work during emergency situations shall receive their normal rate of pay for hours worked. Non-essential personnel who are not required to work will not get paid for during an emergency situation when city offices and facilities are closed, however the Mayor may, upon consideration of the emergency situation, require non-essential personnel to work from home or in different schedules in order to provide a safe workplace or accommodate the response to the emergency.

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 Mayor. Arrangements shall be made with other departments 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 work week, subject to all other overtime policies set forth in this handbook. A temporary employee may be employed for up to six 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 vacation leave, sick leave, or other city benefits.

#### 4.9 TRAINING

The City of Tontitown is committed to continuing training for all employees. If an employee feels that additional training is needed, the employee is responsible for notifying the his or her department head. Attendance at seminars and training programs must be preapproved by the employee's department head or the Mayor.

#### 4.10 PERFORMANCE EVALUATIONS

All employees will participate in a performance review session, at least annually to be completed by a 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.

All first-year employees shall be evaluated and counseled on a regular basis. The purpose of the evaluation and counseling will be to assist the career development of the employee.

#### 4.11 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 or she should ask his or her 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 your supervisor or department head.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any and every accident to your 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 in buildings, owned and maintained by the city, or on an employee's person while conducting offsite city business unless the employee is a law enforcement officer or a security guard employed by a state agency, or a city or county, or any state or federal military personnel. Further, no dangerous items are allowed on any part of a detention facility, prison, or jail, including parking lots. If an employee is undergoing disciplinary proceedings, or is terminated and must return to work for any reason, the employee shall neither possess nor store the dangerous items on the employee's person or in the employee's vehicle. Of course, theft of any kind will not be tolerated.

#### 4.12 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, as allowed by federal, state, and local law.

#### 4.13 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Tontitown are urged to notify the city at least two weeks in advance of their intended termination. Such notice should preferably 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 may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are urged to provide the city with a minimum of two 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 for any lawful reason.

#### 4.14 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 the employee's possession or which was entrusted to him or her.

#### 4.15 JOB DESCRIPTIONS

It shall be the responsibility of department heads to maintain a job description on file for each position within the department. The job description should include scope of responsibility, essential job functions, minimum qualifications, working conditions, physical requirements, and an employee acknowledgment.

# CHAPTER 5

## BENEFITS

*\*The policies contained in this Chapter concerning benefits, along with all other policies in this handbook, in no way alter the City of Tontitown's at-will employment policy as described in this handbook.*

### 5.1 VACATIONS

#### 5.1.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. § 14-52-106, each police officer shall be granted a minimum accrual of an annual vacation of not less than 15 working days with full pay.

All employees of the police department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service. A working day is defined for purposes of this section as eight hours, regardless of the length of a shift typically worked by the employee. Vacation time is accrued at the end of the month following 30 days of employment. Vacation time for December shall accrue on the first day of the month so that the employee will have the vacation time available to use before the end of the year.

The Police Chief must approve an employee's vacation leave before use of vacation leave. No more than 30 working days of vacation may be carried over from one year to the next without prior written approval of the Police Chief (with a year here meaning the period of time beginning on the employee's hire date in one year and ending on the employee's hire date the following year). The Police Chief shall require that all police officers take all non-carried over vacation time before the end of the calendar year, or shortly thereafter.

Upon the first day after the end of the term of service or retirement, a police officer will be paid for his or her unused accumulated vacation leave at the officer's regular rate of pay up to a maximum of 15 working days.

#### 5.1.2 FIRE DEPARTMENT

Pursuant to Ark. Code Ann. § 14-53-107, each employee shall be granted a minimum accrual of an annual vacation of not less than 15 days with full pay.

All employees of the fire department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service. A working day is defined for purposes of this section as eight hours, regardless of the length of a shift typically worked by the employee. Vacation time is accrued at the end of the month following 30 days of

employment. Vacation time for December shall accrue on the first day of the month so that the employee will have the vacation time available to use before the end of the year.

The Fire Chief must approve an employee's vacation leave before use of vacation leave. No more than 30 working days of vacation may be carried over from one year to the next without prior written approval of the Fire Chief (with a year here meaning the period of time beginning on the employee's hire date in one year and ending on the employee's hire date the following year). The Fire Chief shall require that all firefighters take all non-carried over vacation time before the end of the calendar year, or shortly thereafter.

Upon the first day after the end of the term of service or retirement, a firefighter will be paid for his or her unused accumulated vacation leave at the firefighter's regular rate of pay up to a maximum of 15 working days.

### 5.1.3 VACATION TIME FOR CIVILIAN EMPLOYEES

Each full-time civilian employee shall be granted a minimum accrual of an annual vacation of not less than 10 working days with full pay, depending on hours worked. Vacation time is accrued at the end of the month following 30 days of employment.

No more than 5 working days of vacation may be carried over from one year to the next without prior written approval of the employee's department head (with a year here meaning the period of time beginning on the employee's hire date in one year and ending on the employee's hire date the following year). Accrued vacation days not taken within this time period or carried over shall be deemed used.

Accrued vacation time will be paid to the employee if the employee leaves the employment of the city.

### 5.1.4. VACATION ACCRUAL RATE

Full-time civilian employees shall accrue vacation leave annually as follows:

YEARS OF SERVICE	VACATION
0 Years to 7 Years	10 Working Days (80 hrs)
7 Years or Greater	15 Working Days (120 hrs)

To calculate the amount of accrual per month, the rate of 6.667 hours per month (for employees with less than seven years of service) or 10 hours per month (for employees with seven or more years of service) will be multiplied times the employee’s regularly scheduled weekly hours divided by 40 hours. For example, a full-time employee who is regularly scheduled to work 35 hours a week will accrue vacation time at a rate of 5.834 hours per month.

Uniformed employees shall accrue vacation leave annually as follows:

YEARS OF SERVICE	VACATION
0 Years to 7 Years	15 Working Days (120 hrs)
7 Years or Greater	20 Working Days (160 hrs)

### 5.1.5 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 or department head. All vacation leave must have the advance approval of the employee’s supervisor or department head, so that the leave fits in to the overall scheduling of the department. Employees are urged to notify their supervisor or department head at least 30 days in advance of being absent for vacation time. The permissible number of employees taking vacation at any one time will be determined by department heads based upon departmental workloads. The city reserves the right to alter vacation schedules.

Approval of vacation leave requests falls under the discretion of the employee’s department head. The department head will evaluate each request on a case-by-case basis and determines approval based on the timeliness of the request and the departmental needs. 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 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 full-time employees of the city. City holidays include:

HOLIDAY	DAY/DATE
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
President's 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.

In addition to holiday pay, uniformed employees shall be paid their regular rate of pay for all hours worked during a holiday. This additional pay, and holiday pay, shall be paid in one lump sum annually during the second week of December. Holiday pay is defined for purposes of this section as pay for an eight-hour day, regardless of the length of a shift typically worked by the employee.

The City of Tontitown will publish a holiday schedule for the upcoming year. The city reserves the right to change observance of any published holiday.

For civilian employees, when a holiday occurs on a Saturday, it will be observed on the preceding Friday. When a holiday occurs on a Sunday, it will be observed on the following Monday. For uniformed employees, the holiday will be observed on the day on which it falls.

### 5.3 INCLEMENT WEATHER

In the event city offices are open but a non-essential employee is unable to report to work due to inclement weather conditions, the employee may elect to use accrued vacation. The employee must report their absence to their immediate supervisor to remain in pay status for any such absence. An employee's failure to report his or her absence could result in disciplinary action, up to and including termination.

In the event city offices are closed due to inclement weather, only essential personnel will be required to report to work during the closure. Only essential personnel who report to work during an inclement weather closure shall be paid for hours worked during the closure. Essential personnel who work during an inclement weather closure will receive their normal rate of pay. Non-essential personnel will not get paid during an inclement weather closure unless they are required or permitted to work hours.

### 5.4 SICK LEAVE

#### 5.4.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. § 14-52-107, police officers, regardless of their titles, shall accumulate sick leave at the rate of 20 working days per year beginning one year after the date of employment. Any sick leave which is not used in any year may be carried over as accumulated sick leave for the succeeding calendar year up to a maximum of 60 working days by the anniversary of the employee's hire date. A working day is defined for purposes of this section as eight hours, regardless of the length of a shift typically worked by the employee.

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 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 60 days' salary.

#### 5.4.2 FIRE DEPARTMENT

In accordance with Ark. Code Ann. § 14-53-108, all firefighters shall accumulate sick leave at the rate of 10 working days per year, beginning one year after the date of employment. For

purposes of calculating sick days, a “working day” shall be calculated as that period of time a firefighter is on duty within a 24-hour period. If a firefighter is on duty for 12 hours or more in a 24-hour period, a working day shall not be less than 12 hours or more than 24 hours.

Any sick leave which is not used in any year may be carried over as accumulated sick leave for the succeeding year up to a maximum of 1,440 hours. Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.

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

If upon retirement or death, whichever occurs first, any firefighter has unused accumulated sick leave, he or she 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 firefighter’s employment terminates for any reason other than death or retirement. Payment for unused sick leave upon retirement or death shall not exceed three months’ salary.

#### 5.4.3 PAID LEAVE FOR OCCUPATIONALLY CAUSED CANCER

In addition to normal sick leave, a firefighter who has completed five or more years of paid employment with the city and who meets the other requirements set forth in Ark. Code Ann. § 21-4-107 will be entitled to 1,456 hours of paid leave upon the initiation of treatment for an occupationally caused cancer (as these terms are defined by A.C.A. § 21-4-107). In some instances, the availability of workers’ compensation for the treatment of cancer may preclude a firefighter from receiving paid leave under this section.

Paid leave under this section does not reduce the accrued sick leave or annual vacation leave of a firefighter, nor does it impact any other employment benefit of a firefighter.

#### 5.4.4 CIVILIAN EMPLOYEES

The City of Tontitown provides paid sick leave to full-time employees. Full-time civilian employees will accrue sick leave at the rate of one working day per month multiplied by the employee’s regularly scheduled weekly hours divided by 40. A working day is defined for purposes of this section as eight hours, regardless of the length of a shift typically worked by the employee

Any sick leave days which are not used in any year may be carried over as accumulated sick leave days for the succeeding year up to a maximum of 30 working days by the anniversary of

the employee's hire date. Civilian employees will not be paid for accrued sick leave upon termination of employment with the city.

#### 5.4.5 SICK LEAVE PROCEDURE

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, as defined in the definitions section of this handbook, which require the employee's presence.
- Necessity of medical or dental care, including medical, dental, psychological, and optical visits.

An employee who is unable to report for work due to one of the above-listed sick leave reasons shall report the reason for his or her absence to his or her supervisor or someone acting for the employee's supervisor within two 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 use sick leave other than for the reasons listed above may be subject to discipline, up to and including termination.

Employees who are absent more than three consecutive days, or more than six aggregate days during a month, due to illness or injury must submit a physician's statement to their supervisor or someone acting for their supervisor. Employees absent from employment due to illness who are absent for five consecutive working days or longer, or who are under a physician's care, may be required to present a certificate of release to their supervisor or department head before returning to work.

An employee who is absent from work due to illness or injury who has used all of his or her accrued sick leave and any leave granted under Section 5.4.2.1 ("Paid Leave for Occupationally Caused Cancer") shall thereafter be placed on an inactive, without-pay status, except as required to provide a reasonable accommodation under the Americans with Disabilities Act.

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.

## 5.5 FUNERAL OR BEREAVEMENT LEAVE

Funeral leave with pay up to a maximum of three calendar days will be granted to all city employees in cases of death or in the circumstances of death in the employee's immediate family. Additionally, an employee's department head may grant funeral leave with pay up to a maximum of one calendar day for an employee to be a pallbearer or attend a funeral of someone not within the employee's immediate family. Any leave requested for more than the maximum allowed three days or one day must be charged to accrued vacation.

Paid travel time may be granted upon prior approval from the employee's department head in addition to funeral leave where travel time of more than eight hours is necessary.

## 5.6 MATERNITY LEAVE

Employees affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy-related health impairments, illnesses, or injuries. An employee's accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the city's family medical leave policy, if applicable.

In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued vacation as required to the extent of exhaustion of sick leave and vacation benefits.

### 5.6.1 NURSING MOTHERS

Nursing mothers will be allowed reasonable unpaid break time to express breast milk. This may run concurrently with other paid or unpaid break already provided. If the employee's workspace is not private and secure, the city will make a reasonable effort to provide a location where the mother may express. Employees shall make reasonable efforts to minimize the disruption of the employer's operations.

## 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 Reemployment Rights Act of 1994 (USERRA), 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 C 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 15 days with pay plus necessary travel time.

## 5.8 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with 50 or more employees to offer up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Unless otherwise specified by federal law, the City of Tontitown employees are not eligible for leave under the FMLA.

## 5.9 LEAVE FOR WITNESS OR JURY DUTY

Employees who have completed 90 days of service with the city will be granted paid leave for witness or jury duty. 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 their 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 or department head when the employee's period of jury or witness duty is completed.

## 5.10 EMPLOYEE HEALTH BENEFITS

The City of Tontitown provides medical, prescription, dental, vision and life insurance for all of its full-time employees. The city also provides cafeteria plan coverage to all of its full-time employees. Detailed information on the policies and coverage will be given to employees at the time of hire. Additional information may be obtained from the Mayor's office.

## 5.11 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 a supervising department head, if available, and the Mayor's office 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 in City Hall.

#### 5.12 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.

#### 5.13 RETIREMENT PLANS

The City of Tontitown provides retirement plans to full-time employees who meet certain conditions. In addition to standard retirement plans, the city also offers LOPFI retirement plan to uniformed employees. Detailed information regarding retirement plans will be given to employees at the time of hire. Additional information may be obtained from the Mayor's office.

# 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, the employee 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.

#### 6.1.1 COMMUNICATING ON BEHALF OF THE CITY

The Mayor is authorized to communicate on behalf of the city in interviews, in publications, in news releases, on social media sites or other websites, and in related communications. Other employees may represent the city if approved by the Mayor to communicate on a specific topic. When speaking on behalf of the city or while carrying out your official duties:

- Employees must identify themselves as representing the city.
- All information must be respectful, professional, and truthful. Corrections must be issued when needed.
- Employees need to notify their supervisor or department head if they will be using their personal technology (cell phones, home computers, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Freedom of Information Act (FOIA).

#### 6.1.2 SOCIAL MEDIA & WEBSITES

City social media sites and other websites must clearly be connected to the city and approved by the Mayor (or his/her designee). Any social media account or website purporting to be run by or endorsed by the City of Tontitown which is not approved by the Mayor (or his/her designee) will be removed. Additionally, the Mayor (or his/her designee) has the sole authority to approve or deny the continued use by the city of a social media account or website and has the sole authority to approve or remove content on city social media accounts and websites. In approving, maintaining, and removing social media accounts and websites and content on said

accounts or websites, the city will comply with the First Amendment, public records laws, open meetings laws, and all other applicable laws.

The city retains the rights to all text, photographs, graphics of any kind and other content found on city social media pages and websites that were produced by the City. All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the city. The city maintains the sole property rights to any image, video or audio captured while an employee is representing the City in any capacity even if disseminated over city social media pages or websites whether the dissemination is authorized or unauthorized unless a release of those property rights has been specifically granted.

In maintaining city social media accounts and websites, the city will make reasonable efforts to comply with best practices for the same, including but not limited to the following practices:

- On each website, include a clear statement of the intent, purpose and subject matter of the website, as well as a statement clearly articulating whether the site accepts comments and, if so, any restrictions that might affect the nature of the forum as either limited or traditional.
- A website should contain any applicable disclaimers or notices.
- Where appropriate for a particular site, social media pages and other websites should include the city's logo. If applicable, city departments may use a departmental logo on their site as well. Page names should be descriptive of the department/division using the site.
- "Biographies" on social media pages should clearly identify that the City of Tontitown runs the page and should have a link to the city's website or, if the page is run by a specific department, to the department's website.
- Links placed on city social media pages or websites should only link to a resource on the city's website ([www.tontitown.com](http://www.tontitown.com)), a city-owned website, a state, federal or local government site, an educational website (.edu), or an organization with an official partnership or supportive business relationship with a city department or program.
- Information that is proprietary, copyrighted or any other intellectual property, attorney-client privileged, or information subject to state or federal privacy laws, and information not subject to disclosure under Arkansas law ("confidential information") must not be posted on city social media pages or websites. Any questions concerning this standard should be directed to the Mayor or City Attorney.
- The city should use its social media pages and websites in a manner that is cybersecurity prudent and password secure.

- If a platform requires a city employee or official to create a business account in the user's own name, the account must:
  - Contain the employee/official's name.
  - Be created using the employee/official's city-issued email address.
  - Be set up so that the page does not allow "wall posts" or "friending."
  - Be used solely for city business.
  - Be transferred to another city employee/official if the employee/official who made the account terminates his/her employment with the city.
- City employees or officials using city social media pages or websites in their capacity as a representative of the city should refrain from posting personal opinions.
- When the city determines to remove content of a person who is not a city employee or official and who was not acting on behalf of the city, the city should contact the person promptly to notify them of the action unless the content is being removed because it is a potential security breach or may contain a virus.

### 6.1.3 HANDLING REQUESTS FOR INFORMATION PURSUANT TO FOIA

Any citizen of the State of Arkansas may request to inspect, copy, or receive copies of public records pursuant to the Freedom of Information Act (FOIA). Any requests must immediately be forwarded to the public records custodian. If the employee receiving the request is not the public records custodian, the employee must notify the requester of this fact and identify the public records custodian.

### 6.1.4 HANDLING MEDIA REQUESTS

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the Mayor (or his/her designee), or the public records custodian in the case of a records request. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the public records custodian of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, and opinion on a city matter, or if you are unsure if it is a "routine" question, immediately forward it to the Mayor (or his/her designee), or in the case of a records request, to the public records custodian. An appropriate response would be, "I'm

sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as she/he can."

3. Ask the media representative's name, questions, deadline, and contact information.

## 6.2 PERSONAL COMMUNICATIONS

It is important for employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Tontitown. However, these are my own opinions and do not represent those of the City of Tontitown."
- You should not use your city email account or password in conjunction with a personal social media site.
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. For example, a building inspector could not use the city's logo, email, or working time to promote his or her side business as a plumber.

## 6.3 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 must not wear uniforms while off duty except to and from your scheduled shift or work assignment. It is essential that an employee not be viewed by the public as a representative of the city in any official capacity unless authorized to do so.

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 the employee's supervisor or department head.

## 6.4 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, the employee's 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 non-prescribed 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, except where authorized;
- 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.

## 6.5 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, the employee should give proper notice to his or her supervisor. "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 hour thereafter if advance notice is impossible.

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.

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

## 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 supervisor or department head 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. The work of a full-time employee of the city shall have precedence over any other occupational interest or pursuit of the employee. A full-time employee is expected to be available for work during all regular working hours and for overtime as required. 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 Mayor.

## 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, as allowed by federal, state, and local laws.

Smoking, or the use of any tobacco product, is not allowed inside any city-owned facility or vehicle. The city complies with all aspects of the Arkansas Clean Indoor Act of 2006. Any employee violating this policy is subject to disciplinary action up to and including termination and may be required to pay a fine if levied by the Arkansas Department of Health.

## 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, 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.

## 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 the

employee's colleagues. 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 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.

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of the employee's 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 email, computers, software/computer applications, networks, the Internet, the intranet, facsimile machines, mobile phones, and other wireless communication devices and voicemail 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.

The City of Tontitown has adopted stand-alone policies the concern technology and the use of technology, which may be amended from time to time upon the approval of the Tontitown City Council. These stand-alone technology policies are incorporated herein to this Personnel Handbook. To the extent that a stand-alone technology policy conflicts with any policy or provision contained herein, the stand-alone technology policy will prevail.

The occasional, limited personal use of technology resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees, however, should have no expectation of privacy as to their use of city property. The city has the right to access and monitor any and all messages and files on electronic equipment owned by it and will do so as deemed necessary and appropriate. 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 employee's 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.

Only software which has been purchased or approved by the city 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 employee's department head.

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.

#### 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 and all messages sent using it are the property of the city.

The electronic mail system shall not be used to solicit or further commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations; 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 email messages that are not sent to them.

#### 6.11.5 BACKUP OF ELECTRONIC DATA

Currently, electronic data on the city's server is backed up on a regular basis. Department heads and employees should make sure that all city data is appropriately secured.

#### 6.11.6 REMOVAL OF CITY PROPERTY

No city owned, leased, or licensed equipment or documents may be removed from city premises without prior written approval from a Department Head.

#### 6.11.7 USE OF PRIVATELY OWNED ELECTRONIC COMMUNICATIONS EQUIPMENT FOR PUBLIC JOB RELATED PURPOSES

Employees with personal privacy concerns should be aware that there may be consequences to using privately owned electronic communications equipment (including privately owned cell phones) for work related purposes. If an employee uses privately owned equipment for work related purposes, such as work-related text messages or emails, the records of the privately owned equipment might be subject to disclosure to the public by the Arkansas Freedom of Information Act. Employees are therefore encouraged to use city-owned communications equipment and city-owned software (such as city email) when communicating for job related purposes.

### 6.12 WAIVER OF PRIVACY

Employees waive their right to privacy in anything created, stored, sent, or received on the city's computer or telecommunications system. The city reserves the right to inspect any data, emails, social media content, files, settings, or any other aspect of access made by a city-owned computer or related system and will do so on an as-needed basis as determined by the Mayor. Employees understand that any information created, stored, sent, or received on the city's computer or telecommunications system may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business-related or personal to the employee. Therefore, any such information may be accessed and/or inspected at any time by any member of the public unless it is exempted by law from disclosure.

### 6.13 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 vehicle, 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 their department head, employees may transport spouses in city vehicles when attending conferences or meetings. Employees will be allowed to take home a city vehicle for “on-call” purposes only as designated by his or her department head.

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, the employee’s department head, and the Mayor. The improper, careless, negligent, destructive, reckless, or unsafe use of city equipment or vehicles may result in disciplinary action.

#### 6.14 POLITICAL CAMPAIGNS

No city employee shall campaign on city time for any candidate or ballot measure at a federal, state, or local level. Employees are prohibited by law and this policy from using city equipment, property, funds or other resources to campaign for a candidate or ballot measure. After working hours, employees are free to campaign and support candidates and ballot measures in federal, state, county, and local campaigns as long as they do not use city property, funds, equipment or resources. No campaign banners, campaign signs, or other campaign literature shall be placed on any cars, trucks, tractors, or other vehicle belonging to the city.

#### 6.15 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, regulation, or directive, 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. A termination 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 their 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.

#### 7.6 GENDER STATEMENT

Reference is made throughout this manual to the personal pronouns "his," "him," and "he." The use of these words is not intended to imply gender, and consequently, such references mean both male and female.



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Printed Name

*Original to personnel file  
One copy to the employee*

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's Signature

---

Date

---

Employee's Printed Name

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

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

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

My Commission Expires: \_\_\_\_\_

APPENDIX C  
USERRA NOTICE



# YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

## REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

## HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions [e.g., pre-existing condition exclusions] except for service-connected illnesses or injuries.

## ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.



U.S. Department of Labor  
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date – April 2017

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