

PERSONNEL POLICY HANDBOOK

CITY OF FORREST CITY

FORREST CITY, AR

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A. EMPLOYMENT PRACTICES

A.1. Welcome

It is a pleasure to have you as an employee with the City of Forrest City. Hopefully, your employment here will be beneficial and productive for the citizens you serve as well as for yourself.

You probably have some questions concerning your employment with the City. This Personnel Handbook is designed to answer most questions about the conditions of your relationship with the City. However, there may be occasions when you should consult your department head.

Remember, you are the City's representative to the citizens of Forrest City. Your actions should always be in the best interest of the people you serve. Take pride in yourself and in your work and always perform your job in a diligent and courteous manner. It is hoped that your association with the City will be long and satisfying for you.

A.2. Policy Statement

This Personnel Policy shall be construed as the declaration of the employment policy by the City and shall not be understood as a contract with any employee or as creating any debt or obligation on the City of Forrest City. Any part of this policy that is in conflict or found to be inconsistent with policy established by the State for Fire and Police departments shall not apply to those employees. Firefighters and Police officers shall be notified of applicable State Policy.

A.3. Equal Opportunity Employer

The City of Forrest City is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the City does not discriminate on the basis of disability. The City's' commitment extends to all employment, including job opportunities, promotions, pay and benefits.

A.4. At-Will Employer

The City of Forrest City is an at-will employer. This means that the City of Forrest City or any city employee 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 not to continue the employment relationship. No policies, comments, or writings made herein or during the employment comments shall be construed in any way to waive this provision.

A.5. Limitation on Employment of Relatives

Two members of an immediate family shall not be employed in the same administrative unit at the same time, if such employment will result in an employee directly or indirectly supervising a member of his/her immediate family.

The City government shall employ no member of the immediate family of the Municipal Judge, the City Attorney, the Mayor, or the City Clerk-Treasurer.

Immediate family is defined as wife, husband, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step grandfather, step grandmother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in law, brother-in-law.

The provisions of this Section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this Section. However, the appointments, promotions, transfer, demotions, and reinstatements after adoption of this Section.

A.6. The Immigrations Reform and Control Act of 1986

The immigrations Reform and Control Act of 1986 now makes it illegal for an employer to hire any individual not authorized to legally work in the United States except for those seasonal agricultural workers specifically exempted. The city must verify an employee's legal ability to work within three (3) days following his/her hire. A Form I-9 is to be completed and signed by both employee and the City. All employees hired after November 6, 1986, must show proof of eligibility to legally work.

A.7. Job Posting and Advertising

The City of Forrest City will list all job openings with the Arkansas Employment Security Division; all city offices and departments; and the city's website. All applications will be taken for at least ten (10) days, unless an emergency exists.

A.8. Post Offer Pre-Employment Physicals

Post Offer Pre-Employment physicals will be required for every applicant to be hired for the City in a full-time employment position. A full-time employee is defined as one who is hired to work a minimum of thirty (30) hours per week for a minimum of nine (9) months during a calendar year. Such examinations shall be initially paid for by the City and shall be used to determine whether the applicant can perform the essential functions of the job without reasonable accommodation.

The examinations shall be performed by licensed physicians selected by the Mayor. These medical files shall be maintained in the physician's office with a summary report provided to the Mayor stating whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodating.

Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their decision to make reasonable accommodation or not by the Mayor. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to 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 to be kept in a confidential file apart from the Personnel file. Should there be a dispute concerning the examination, 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.

Post Offer Pre-Employment employees who voluntarily quit within 90 days of his/her employment date will be required to reimburse the City for the cost of such physical examination, to be withheld from the employee's paycheck.

A.9. Fitness for Duty Exam

Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodations or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Mayor/City Council shall take such action that is necessary for the good of the service.

B. EMPLOYEE AND SPECIAL LEAVE BENEFITS

B.1. VACATIONS

All vacation time must be approved by the employee's supervisor at least 10 working days before requested time. (Resolution No. 848)

(POLICE DEPARTMENT)

The chief of the police department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. (A.C.A. 14-52-106). A "day" is defined as 1/5 of a regular work week. All employees of the police department shall accumulate vacation time at the rate of one and one-quarter (1 1/4) days for each month of working service.

(FIRE DEPARTMENT)

The chief of the fire department shall so arrange that each employee shall be granted an annual vacation of not less than fifteen (15) days with full pay. (A.C.A. 14-53-107). A "day" is defined as 1/5 of a regular workweek.

All employees of the fire department shall accumulate vacation time at the rate of one and one-quarter (1 1/4) days for each month of working service.

All uniformed employees who have reached 20 years or more of employment shall be entitled to 20 working days vacation.

(NON-UNIFORMED EMPLOYEES)

Vacation time is granted to all employees after one year of employment. A "day" is defined as 1/5 of a regular workweek. The vacation accrual rate schedule is as follows:

1 year but less than 10 years of service:	10 working days
10 years and over but less than 20 years of service:	15 working days
20 years and over	20 working days

Accrued time will be paid if the employee leaves the employment of the city. An employee may carry over up to 5 days maximum to the next year above the amount already listed.

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

Elected officials may choose to receive the allowed vacation time allowed by the above policy. (Resolution #959)

B.2. Holidays and Holiday Pay

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

**NEW YEAR'S DAY
MARTIN LUTHER KING JR. DAY
PRESIDENT'S DAY
MEMORIAL DAY
INDEPENDENCE DAY
LABOR DAY
VETERAN'S DAY
THANKSGIVING DAY
THE DAY AFTER THANKSGIVING
CHRISTMAS EVE
CHRISTMAS**

In order to receive holiday pay, an employee must work the day before and the day after a holiday unless they have a scheduled vacation or a sick day with a doctor's excuse.

***Resolution #964
Passed Dec. 16, 2014***

B.3. Sick Leave

Full-time elected officials may qualify for all provisions within this section. (*per Resolution #919 adopted November 20, 2012*).

Sick leave is for absences for illnesses only. Abuse of sick leave will be cause for disciplinary action, up to and including dismissal by the City. A "day" is defined as 1/5 of a regular workweek.

All eligible employees except police officers and firefighters accrue sick leave after 12 months at the rate of one and two-thirds (1 2/3) days(*per Resolution 872 adopted May 19, 2009.*) per month. An employee may take three sick days in a calendar year (January 1 through December 31) without a doctor's excuse. A doctor's excuse is required for all other sick leave used during a calendar year. The doctor's excuse must be submitted to the appropriate department head, or elected official by the time payroll is to be submitted to city hall. If no doctor's excuse is submitted at that time, the employee will not receive pay for the sick day or days.

Any sick leave days accumulated which is not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.

For full-time employees who have over the maximum amount of sixty (60) days, they shall be paid for one-half (1/2) the number of days over sixty (60) at the end of the fiscal year. (*Resolution #917 adopted November 20, 2012*).

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

1. Personal illness or physical incapacity
2. Quarantine of an employee by a physician or health officer
3. Medical, dental and optical visits are eligible if approved by department head prior to appointment. Employee must provide department head a doctor's excuse when returning back to work.
4. Illness, injury or death in the employee's immediate family which require the employee's presence. Immediate family includes one of the following persons related by blood, marriage, legal adoption or guardianship: grandparents, parents, wife, husband, brother sister, child, grandchild, mother-in-law or father-in-law.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his/her absence to the employee's supervisor or someone acting for the employee's supervisor one (1) hour prior to the time the employee is expected to report to work. Sick leave with pay may not be allowed unless such report has been made as aforementioned. This paragraph of the Employee Personnel Handbook shall not apply to those city departments who have a written employee policy. (*per Resolution 893 adopted April 20, 2010*)

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (½) day increments. An employee who uses all of his/her accrued sick leave days shall thereafter be placed on an inactive, without pay status.

Employees will not be paid for accrued sick days upon termination of employment with the city whether it be employee-initiated or City-initiated. However, full-time employees shall be paid accrued sick leave upon retirement. The definitions of “retirement” will be that which is used by the Arkansas Public Employees Retirement System (APERS) or the Local Police and Fire Retirement System (LOPFI) at the time of the employee’s retirement. In all matters concerning sick leave for firefighters and police officers, strict compliance with Arkansas statutes is required.

(POLICE OFFICERS)

Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of 1 2/3 days a month or twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

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

If, at the end of his/her term of service, upon retirement or death, whichever occurs first, any police officer has any unused accumulated sick leave, he/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 in the case of a police officer, upon retirement or death, shall not exceed sixty (60) days' salary.

(FIRE FIGHTERS)

Firefighters shall accumulate sick leave at the rate of 1 2/3 days per month or twenty (20) working days per year beginning one (1) year after the date of employment. If, unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that 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, which the firefighter is not scheduled to work.

If, at the end of his/her term of service, upon retirement or death, whichever occurs first, any firefighter who has unused accumulated sick leave, he/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 in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

Any sick leave days accumulated which is not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.

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

1. Personal illness or physical incapacity
2. Quarantine of an employee by a physician or health officer
3. Medical, dental and optical visits are eligible if approved by department head prior to appointment. Employee must provide department head a doctor's excuse when returning back to work.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his/her absence to the employee's supervisor or someone acting for the employee's supervisor within one (1) hour in advance of 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.

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

Employees will not be paid for accrued sick days upon termination of employment with the City. However, full-time employees shall be paid accrued sick leave upon retirement or death with at least 20 years of service with the City.

**Resolution #970
Adopted 2/3/15**

B.4. Sick Abuse Policy

Feigning Illness or Injury

No employee shall feign illness or injury to escape duty.

Location When Ill

Any employee reporting sick or injured will be confined to his or her home, clinic or hospital during his or her schedule duty hours except to visit his or her physician or by permission of his or her supervisor.

B.5. Funeral or Bereavement Leave

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

Immediate family shall include wife, husband, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step grandfather, step grandmother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law- sister-in-law, and brother-in-law.

Funeral or bereavement leave must be taken no later than two week (2) after notification of death and/or funeral.

B.6. Medical Leave

6.1 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child;
- for nearest blood relative to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks;
- The care of an immediate family member (spouse, child or parent, but not a parent "in-law") who has a serious health condition;
- The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job; and
- for any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of a call to active duty.

You must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event.

However, leave may begin prior to birth or placement, as circumstances dictate.

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three calendar days.

The Family Medical Leave Act (FMLA) requires that the City maintain the health coverage of an employee eligible for

FMLA under any group plan during the time the employee is on FMLA leave.

6.2 FMLA ELIGIBILITY

To be eligible for the FMLA benefits employees must: 1) be employed by the City for at least one year; and 2) have worked 1250 hours over the previous twelve (12) months preceding the date of the leave is requested to begin.

Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The City shall not require the use of annual leave as part of family medical leave. The employee, at the employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work weeks.

6.3 CALCULATION OF LEAVE

Employees eligible for FMLA may use up to 12 weeks of leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken. The next 12-month period will begin on the first day FMLA leave is taken after completion of any previous 12-month period.

6.4 USE OF PAID TIME OFF BENEFITS

When leave is taken under the Family Medical Leave Act, you will be required to first use your available annual and accrued sick and vacation leave during the twelve (12) week family leave before becoming eligible for unpaid leave. That portion of family leave of absence which is taken using annual and accrued leave days will be with pay, according to the City's annual leave policy. Using paid time off benefits does not add to the total length of the maximum 12-week leave permitted.

For example, Employee A has two (2) weeks of accrued vacation leave and two (2) weeks of accrued sick leave. Employee A requests and is granted 4 weeks of FMLA leave. This leaves Employee A with eight (8) remaining weeks of available FMLA leave.

An employee using leave for the birth of a child is required to use annual and accrued leave for leave taken for physical recovery after childbirth.

6.5 INTERMITTENT OR REDUCED LEAVE

In circumstances where FMLA leave is sought for your own serious health condition or that of a family member, you may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when you chose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or be placed on a reduced work schedule. However, this may only be done with prior permission and approval of the department head. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay and benefits, if another position would better accommodate that the intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operations.

6.6 NOTIFICATION

You must provide your department head with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify your department head as soon as possible.

6.7 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent and leave need be granted to only one parent at a time.

If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

6.8 JOB RESTORATION

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. However, certain highly-compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their positions if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

6.9 EMPLOYEE BENEFITS

During an employee's FMLA leave of absence, his/her health care benefits will continue. Both the City and the employee will be required to pay the customary portions of the monthly health premium. The employee's failure to pay his or her share of the premium may result in loss of coverage. The City Clerk/Treasurer will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the City. Prior to dropping an employee from coverage for non-payment, the City Clerk/Treasurer will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee unequivocally informs the City that he/she does not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work, from FMLA leave, for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have returned to work.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies their department head prior to the end of the FMLA leave.

6.10 CERTIFICATION

Medical certification, by a qualified health care provider, of the need for FMLA leave for medical reasons is required. A certification form may be obtained from the Mayor's office. This form should be filled out and returned to the Mayor's office. When the leave is foreseeable and at least 30-days notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within 15 calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, and nurse-midwives authorized to practice under State law and performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

6.11 RELEASE TO RETURN TO WORK

A medical doctor's release is required for all City employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided to your department head prior to returning to work.

6.12 DISPUTE RESOLUTION

If a disagreement occurs over the medical opinion provided by your physician, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

Additional information and forms may be obtained from the Mayor's office.

B.6.1 MATERNITY LEAVE

Employees affected by pregnancy, childbirth, or related medical conditions will be treated the same for all employee-related purposes as persons with non-pregnancy-related health impairments, illness, 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 annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

B.7. UNIFORMED SERVICES

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

In addition, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one (1) calendar year. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of the calendar year.

Whenever any employee is granted a leave of absence under the provisions of this section, he shall be entitled to his regular salary during the time he is away from his duties during such leave of absence. Such leave of absence shall be in addition to the regular vacation time allowed to the employee.

Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. This leave shall be granted in addition to all other leave the employee shall be entitled to (A.C.A. 21-4-102).

B.8. Court Duty Leave

Employees will be granted leave with pay 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 the supervisor a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

B.9. Miscellaneous Leave

The attendance of employees to seminars and training programs is considered part of continual professional development. Attendance to these meetings is to be pre-approved by department head or Mayor. In the event employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc. pursuant to its regular expense policy.

B.10. Employee Health Coverage

The City of Forrest City provides a group health plan for all the full-time employees. For the purpose of health benefits, a full-time employee is defined as one who is hired to work a minimum of thirty (30) hours per week for a minimum of nine (9) months during a calendar year. Detailed information on the policy and coverage may be obtained from the City Clerk.

B.11. ON-THE-JOB INJURY (Workers' Compensation Benefits)

The City shall provide Workers' Compensation coverage for job related injury/illness as per Arkansas Law and/or the Rules of the Arkansas Workers' Compensation Commission.

Reporting Requirements – An employee who is injured on the job shall report any injury, regardless of its severity, to his supervisor. Injuries must be reported at the earliest time possible, but no later than the next scheduled work shift from the occurrence of the injury or medical diagnosis. Extensions of this period may be granted if the employee was rendered incapable of reporting.

Salary Continuation during Workers' Compensation Related Absences – An employee injured on the job shall be entitled to leave with full pay from the first day of absence while disabled (Full pay shall be defined as the Workers' Compensation payment plus the difference between the employee's regular salary and the Workers' Compensation payment.) The City may supplement the Workers' Compensation payment with the employee's accrued sick and annual leave to maintain full salary amount. The City is only obligated to maintain full pay if the employee has enough leave to cover the difference between the worker's compensation payment and full salary.

B.12. Accidental Injury

If any full-time employee is involved in an accident (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 accumulated sick leave credited to that employee at the time the accident occurred.

B.13. Educational Opportunities

The city of Forrest City recognizes the importance of a college education and the benefits this brings not only to the employee but the city as well. It is the intention of the city to give employees the chance to obtain a degree with certain restrictions.

The city of Forrest City will not reimburse for college tuition except that which directly relates to the employee's job and the city's mission. The city of Forrest City will reimburse employees on the current rate at East Arkansas Community College (equal to or lower than the amount charged by EACC for the same class) upon full completion of the class provided they receive a letter grade of "C" or higher. No reimbursement will be provided for any grade lower than a "C". All requests for reimbursement must be submitted in writing. Each request must be approved by the mayor, prior to the class and/or training

1. Any employees wishing to attend a college in order to obtain an associates degree must do so during non-working hours. No employee may attend during the normal work day except during the designated lunch hour for that employee.
2. All employees must first pay for the classes they are registered. The city of Forrest City will reimburse that employee 100% upon full completion of the class provided they receive a letter grade of "C" or higher. No reimbursement will be provided for any grade lower than a "C".
3. If an employee has been reimbursed by the city for one (1) year, they must stay in the city's employment for at least one (1) year. If any employee receives reimbursement for at least two (2) years, that employee must stay in the city's employment for at least two (2) years. Any employee leaving before such time as designated above must reimburse the city.
4. No employee will receive reimbursement for any books, materials, lab materials or any other items necessary for classes. These will be the responsibility of the employee.
5. The city of Forrest City will reimburse any employee for any classes up to an associate's degree. No employee will be reimbursed for any classes for a bachelors, masters, or doctorate degree.
6. Effective August 5, 2008, all employees who have not yet obtained an associates, bachelors, masters, or doctorate degrees yet have hours towards these degrees and are receiving pay for said hours will have four (4) years from date of passage of this resolution to finish the degree on which they are working towards. After those four (4) years, the employee will no longer receive pay for hours but will receive pay for degrees only. Any employee hired after date of passage of this resolution will not be entitled to stipend pay for hours but will be paid for degrees.

B.14 Travel Policy

Travel, is hereby added to the employee handbook of the City of Forrest City as follows:

Any employee who travels for work-related activities will be reimbursed for the following expenses with detailed documentation:

1. Mileage will be based on the mileage reimbursement in effect during the date(s) of travel paid by the State of Arkansas.
2. Car rental will be reimbursed up to \$30.00 per day with receipt.

**C. MATTERS AFFECTING THE STATUS OF
EMPLOYEES**

C.1. Attendance

Employees shall be in attendance at their workstations in accordance with the rules and regulations established by the department head. All departments shall keep daily attendance records of all employees, which shall be reported to the City Clerk on the form and on the date specified by the City Clerk.

C.2. Work Hours

Except for the police officers and firefighters, work hours for all employees shall be forty (40) hours per week. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

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

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

C.3. Overtime Pay

Overtime pay will be paid for hours worked in excess of the hours per week set forth in the WORK HOURS section of this Handbook. The rate of pay for overtime pay shall be one and one-half (1 ½) the employee's normal hourly rate.

Upon the discretion or approval of the department head, compensation for overtime pay may be made in the form of compensatory leave to the employee.

All overtime and compensatory pay must be preapproved by the mayor. Documents for overtime and/or compensatory time should be submitted with payroll noting the reason for the overtime and/or compensatory time.

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

Exempt employees are not subject to the Fair Labor Standards Act (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 shall not be eligible for overtime or comp time for hours worked in excess of the regular work week.

Section 2: This policy shall be in effect January 1, 2014.

C.4. Vacancies and Promotions

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

All department heads will interview applicants for positions within their department. Recommendations for promotions will be forwarded to the Mayor for final approval.

In accordance with E.E.O. guidelines and policies, notice of job vacancies will be sent to the Arkansas Employment Security Division.

The final decision regarding promotions shall be made by the department head upon final approval of the Mayor.

C.5. Performance Evaluations

To ensure that employees perform their job to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary. Consistent with this goal, an employee's performance will be evaluated by the supervisors on an on-going basis.

All written performance reviews will be based on the employee's overall performance in relation to the employee's job responsibilities and will also take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance.

Evaluations may be conducted by the employee's supervisor at any time to advise the employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

C.6. 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/her employment and result in the termination of the employee from the City of Forrest City.

C.7. Resignation/Termination

Employees desiring to terminate their employment relationship with the City of Forrest City are urged to notify the City at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the City sufficient time to calculate all final accrued monies due to employee for his/her final paycheck. Without adequate notice, however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments.

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

As mentioned elsewhere in this Handbook, all employment relationships with the City of Forrest City are on an at-will basis. Thus, although the City of Forrest City hopes that the relationship with an employee is long term and mutually rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

D. STANDARDS OF CONDUCT

D.1. Conduct towards the Public

Employees of the City of Forrest City shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his/her appearance, actions and statements are in essence those of the City.

In dealing with the public, each employee must attempt to make his/her conduct one, which inspires respect for both himself/herself and the City, and further, one, which generates the cooperation and approval of public.

Not everyone an employee may meet in the course of his/her duties will be courteous. However, an employee should treat the public as he/she would like to be treated...with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be over-emphasized.

When an employee is not certain of the correct response to an inquiry from the public, he/she should refer the inquiry to the individual or the department, which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

D.2. Uniforms and Personal Appearance

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

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

Each department may establish personal appearance standards. These standards shall be based on safety factors and on the need to project a professional and appropriate image to the public.

D.3. Unlawful Harassment

The City of Forrest City expressly prohibits any form of unlawful employee harassment based on race, religion, color, sex, national origin, age handicap or status as a veteran or special disabled veteran.

Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection or detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include any of the following:

1. Verbal abuse or ridicule.
2. Interference with an employee's work.
3. Displaying or distributing sexually offensive, racist or other derogatory materials.
4. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases.
5. Intimate physical contact.
6. Making offensive sexual, racial or other derogatory innuendoes.
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

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

- A. An employee should report harassment or suspected harassment to the department head preferably in writing. If employee feels harassment is coming from the department head, reporting should be made to the Mayor.
- B. Anytime an employee has knowledge of harassment he/she shall inform the department head in writing, who will determine whether further investigation is warranted.
- C. The department head must submit a report of all complaints to the mayor in writing.
- D. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The City of Forrest City 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 offenders.

D.4. Guidelines for Appropriate Conduct

An employee of the City of Forrest City is expected to accept certain responsibilities, adhere to acceptable principals 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 life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and /or the City. Whether an employee is on duty or off duty, his/her conduct reflects on the City. An employee is encouraged to 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:

1. Falsifying employment or other City records.
2. Violating any City nondiscrimination and/or harassment policy.
3. Soliciting or accepting gratuities from citizens.
4. Excessive absenteeism or tardiness.
5. Excessive, unnecessary or unauthorized use of City property.
6. Reporting to work intoxicated or under the influence of nonprescribed drugs and illegal manufacture, possession, use, sale distribution or transportation of drugs.
7. Buying or using alcoholic beverages while on City property or using alcoholic beverages while engaged in City business on City premises, except where authorized.
8. Fighting or using obscene, abusive or threatening language or gestures.
9. Theft of property from co-workers, citizens or the City.
10. Unauthorized possession of firearms on City premises or while on city business.
11. Disregarding safety or security regulations.
12. Insubordination.
13. Neglect or carelessness resulting in damage to City property or equipment.
14. Misuse of City telephones-local personal calls is to be held to a minimum. Long distance calls for city business made by an employee should first be authorized by the supervisor. Personal long distance calls are prohibited.
15. Gambling on duty.
16. Neglect of duty.
17. Misappropriation of city funds.
18. Repeated conviction of legal violation.
19. Conviction of a felony.
20. Repeated failure to meet credit obligations.

D.5. Job Safety

The City does not expect its employees to perform their duties perfectly right away. Some things are, however, expected from the beginning, and one of these is the prevention of accidents.

Employees are expected to:

1. Exercise good judgment and practice good habits since safety is largely a result to such activities.
2. Report all accidents and injuries, however small, to his/her supervisor, as well as to report all unsafe conditions and unsafe acts, which might be the cause of an accident.
3. Know that the right way is the safe way to do the job and the employee is to ask his/her supervisor for instructions for the correct method if the employee is not positive that his/her way is the safest.
4. Use all safety devices and protective equipment provided for employee's use.
5. Maintain good housekeeping by keeping employee's work area clean and orderly.
6. Report any faulty equipment to his/her supervisor.
7. Know that horseplay in any form is dangerous and prohibited.
8. Know that oiling, greasing, or working on unprotected machinery in motion is prohibited.
9. Wear proper clothing since loose sleeves, cuffs, rings and bracelets are hazardous around moving machinery and should not be worn. Proper shoes are helpful in working and walking safely.
10. Know the location of fire exits, the location and way to use fire extinguishers and the proper method of reporting fires.
11. Follow all safety rules of the department head.
12. Know that safety does not stop when the employee leaves the job since the off-the-job safety should be practiced.

D.6. Absenteeism and Tardiness

The City of Forrest City expects all of its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places 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, that employee should give “proper notice” to his/her supervisor.

“Proper notice” is defined by the City as notice one (1) hour in advance of the time an employee should report for work.

D.7. Outside Employment or Moonlighting

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

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

D.8. Political Activity

City employees are encouraged to exercise their legal rights to vote and, if necessary, reasonable time will be granted for the purpose. However, employees shall not engage in political activities, except for voting, while on duty or in uniform.

Activity Not Allowed During Working Hours: 1. Passing out political materials; 2. Wearing campaign related materials and/or clothing; 3. Speaking in favor of a candidate.

Activity Allowed During Working Hours: 1. Having political materials in or on personal vehicles.

**Resolution No. 966
Adopted 12/16/14**

D.9. Disciplinary Action

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory based on violations listed in **GUIDELINES FOR APPROPRIATE CONDUCT** or any other City policies, rules or regulations, the employee will be subject to disciplinary action up to and including dismissal.

Disciplinary action may be any of the several forms listed below:

1. **Warning or Reprimand.** A reprimand is action used to alert the employee that his/her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or in writing and such reprimand will be entered in the employee's personnel file.
2. **Suspension.** Suspension involves the removal of an employee from his/her job. An employee may be suspended with or without pay. A suspension must be in writing. The reason for such action, the period of time for the suspension and the date the suspension is to begin and end must be noted also.
3. **Demotion.** An employee who has committed an offense or whose work record establishes grounds for demotion will be given written notice of such action. A demotion is an action that places the employee in a position of less responsibility and less pay.
4. **Termination.** This type of disciplinary action is a removal of an employee from City employment. An employee who has committed a serious offense or whose work establishes grounds for termination will be given written reasons that can be supported at a pre-termination hearing.

The City of Forrest City is not obligated to use all steps of the disciplinary action process and may begin discipline at any level, including discharge.

D.10. Procedure for Review of Disciplinary Decisions

Review of all disciplinary matters shall be conducted as follows:

1. A written grievance shall be served upon the employee's immediate supervisor within five (5) working days after the disputed disciplinary action. To the extent possible, the grievance shall be resolved at this level.
2. Should the employee not be satisfied with step 1, the employee shall submit the grievance in writing to his/her department head. Department head will investigate the problem and respond in writing within five (5) working days.
3. In the event that step 2 does not satisfy the employee, written appeal may be made to the mayor. The mayor shall make the final decision of the city within ten (10) working days and respond to all concerned parties in writing.

***Resolution No. 915
October 2, 2012***

D.11. SUBSTANCE ABUSE PROGRAM

Section 1. Purpose of Policy

The City has a vital interest in providing for the safety and well being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to the maintenance of a drug and alcohol free workplace.

The City and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the City has an interest in maintaining the efficiency, productivity and well being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

Section 2. Policy Statement

(a) All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

(b) The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

(c) The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

Section 3. Safety and Security-Sensitive Positions Defined

(a) A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

(1) Law enforcement officers who carry firearms and jailers.

- (2) Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
 - (3) Fire department employees who directly participate in fire-fighting activities.
 - (4) Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
 - (5) Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
 - (6) Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.
- (b) A security sensitive position includes
- (1) any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
 - (2) the City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

Section 4. Drug-Free Awareness Program/Education and Training

The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The City's Drug-Free Awareness Program will inform employees about:

- (1) the dangers of drug and alcohol abuse in the workplace;
- (2) the City's policy of maintaining a drug and alcohol free workplace;
- (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and
- (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management. Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

Section 5. Prohibited Substances/Legal Drugs/Unauthorized Items

(a) Prohibited Substances. Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. ' 812, and the regulations promulgated there under, and defined in the Uniform

Controlled Substances Act, Ark. Code Ann. ' 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician.

(b) Legal Drugs. The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

(c) Unauthorized Items. Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

Section 6. Use of Alcohol and Drugs/Prohibited Conduct

All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

(1) Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.

(2) Employees shall not consume alcohol while on duty.

(3) Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.

(4) Employees shall submit to all authorized drug or alcohol tests.

(5) Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions.

Section 7. When Drug and Alcohol Testing May Be Required of All Employees

Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

(a) When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs.

For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

The required observations must be made by two of the following: a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.

(b) Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.

(c) As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a preemployment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.

(d) When the City management has a reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol.

(e) When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.

(f) As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04 or greater) must have a verified negative drug test and/or an alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed 24 months from the date of the employee's return to duty, in accordance with an SAP's recommendations. (The City also reserves the right to require

return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.)

(g) When any prohibited drug or alcoholic beverage, is found in an employee's possession.

(h) When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

Section 8. When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security-Sensitive Positions

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

(a) When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.

(b) Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. ' 31306

and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities, (published by the Arkansas Municipal League).

Section 9. Disciplinary Action

(a) Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

(1) Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.

(2) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

(3) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks or at lunch.

(4) Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.

(5) Refusal to cooperate in a search.

(6) Having an alcohol concentration of .04% or greater in any authorized alcohol test.

(7) Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

Section 10. Employment Status Pending Receipt of Test Results

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

D.12. USE OF CITY ASSETS AND RESOURCES

D.12.1 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 department head or supervisor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.

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

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

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

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

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

D.12.2 Computers and Other Technological Resources

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

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

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

Only software which has been purchased or approved by the City of Forrest 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 department head.

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

D.12.3 INTERNET ACCESS

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

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

D.12.4 ELECTRONIC MAIL AND CONFIDENTIALITY

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

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

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

D.12.5 Removal of City Property

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from the department head.

D.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 employee 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 authorization of the department heads, employees may transport spouses in city vehicles when attending conferences or meeting. At no time shall a city vehicle be used for personal business.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of any traffic offense for which the employee is cited while using a city vehicle.

Thefts or accidents involving City vehicles must be reported immediately to the police, department head, and the Mayor's office. The improper, careless, negligent, destructive, reckless, or unsafe use of city vehicles may result in disciplinary actions.

No city vehicle shall be driven outside the city limits of Forrest City if not on official city business.

***Resolution #904
December 21, 2010***

D.14 Social Media Policy

The City of Forrest City shall not require, request, suggest, or cause a current or prospective employee to:

- A. Disclose his or her username or password to the current or prospective employee's social media account;
- B. Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or
- C. Change the privacy settings associated with his or her social media account.

*Resolution #965
Passed December 16, 2014*

E. MISCELLANEOUS INFORMATION

E.1. Policy Statement

These Employee Policies and Procedures outline the rights and benefits afforded all employees by the City. The City of Forrest City possesses the sole right to operate and manage the affairs of the City.

E.2. Severability

Should any of the provisions of these Employee Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that state law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

E.3. Departmental Policies and Procedures

Each department head is authorized to adopt lawful written policies governing the day-to-day operations of that department provided they are not in conflict with the Personnel Policy Handbook of the City of Forrest City.

If any department head chooses to adopt a policy, the department head must present the policy to the City Council's Personnel Policy Committee for approval. If approved by the Committee, then it will be presented to the City Council for final approval.

Resolution NO. 979
Adopted 3/17/15

E.4. Change of Address

It is important that if an employee changes his or her home address or telephone number to notify his/her department head of this change so that personnel files may be kept up to date. This is important in case the City must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his/her department head.

**E. 5 Education, Certification Incentives, and Longevity Incentives
(Resolution #918 adopted November 20, 2012)**

Education and certification incentives and longevity incentives will be available to all non-seasonal, full-time positions as defined as 30 hours per week. The following incentives will be paid.

EDUCATION

Technical Degree	\$50.00 per month
Associate's Degree	\$100.00 per month
Bachelor's Degree	\$150.00 per month

POLICE CERTIFICATION

General	\$50.00 per month
Intermediate	\$100.00 per month
Advanced	\$150.00 per month
Senior	\$200.00 per month

FIRE CERTIFICATION

Basic	\$50.00 per month
Advanced	\$100.00 per month
Firefighter I	\$150.00 per month
Firefighter II	\$200.00 per month

LONGEVITY: \$10.00 per month after the fifth (5th) year of service, maximum of \$150.00 per month.

IIMC CERTIFIED MUNICIPAL CLERK CERTIFICATION: \$50.00 per month

ANNUAL BONUS FOR FIRE RESPONSE

70 – 79%	\$500.00
80 – 89%	\$750.00
90+	\$1000.00

E.6 Departments Heads

At the beginning of the 4th quarter of the fiscal year, the budget committee will meet with each department head to discuss the budget of their department.

*Resolution No. 972
Adopted 2/3/15*

E.7 Personnel Policy Handbook Distribution

All employees will be given a hard copy of the Personnel Policy Handbook of the City of Forrest City. Each employee will be required to sign the Receipt for Employee Handbook within one week after receiving the hard copy of the handbook.

Any time there are updates or changes to the Employee Handbook, every employee will be given a copy of the updates or changes, to put in their manual. The employee will then sign a receipt stating they have received a copy.

All current employees will be given a copy of the Personnel Policy Handbook which includes any and all updates and changes approved by the City Council up to April 1, 2015. Copies must be distributed by May 1, 2015.

By October 1, 2015, the Personnel Policy Handbook will be available on the City's website.

Resolution # 980
Adopted 2/3/15

EMPLOYEE AT-WILL STATEMENT

I understand that I am an employee at-will. Nothing contained in this Handbook shall be construed as a guarantee that my employment or my benefit program will be continued for any period of time. Any salary figures stated to me in annual or monthly terms are stated for the sake of administrative convenience or to facilitate comparisons. Nothing contained in this Handbook should be construed to change the City of Forrest City's at-will employment status.

I have read, and understand the City of Forrest City's Employment Handbook, dated this _____ day of _____, 20__.

Employee's Signature

ACTIVE EMPLOYEE CERTIFICATE OF AGREEMENT

I do hereby certify that I have received and reviewed the **CITY OF FORREST CITY SUBSTANCE ABUSE AND DRUG TESTING POLICY** and have had the **DRUG-FREE WORKPLACE PROGRAM** explained to me. I understand that if my performance indicates it is necessary, I will submit to a drug test. I also understand that failure to comply with a drug testing request or a positive result may lead to discipline up to and including termination of employment.

Name (Please Print): _____

Signature: _____

Date: _____

CITY OF FORREST CITY

RECEIPT FOR EMPLOYEE HANDBOOK

I have received a copy of the City of Forrest City's employee handbook dated _____.
(month/year)

The handbook contains policies, practices, and regulations, which I have read, understand, and agree to comply with during my employment with the City of Forrest City.

I further understand that I will be responsible for complying with future changes in such polices, practices and regulations communicated to employees from time to time, whether or not I have signed an acknowledgement of such changes.

Employee Signature

Date

Personnel Official

Date