



CITY OF TONTITOWN PERSONNEL HANDBOOK

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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.

This handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. The City of Tontitown is an at-will employer under law and nothing in this handbook shall waive the city's at-will status.

1.2 SCOPE

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

1.3 DEFINITIONS

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.

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 of at least 32 hours per week will be considered by the city council as full-time employee.

IMMEDIATE FAMILY MEMBER—For purposes of this handbook, this shall mean mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's parents, or those relatives who live in the employee's household, including "step" relatives. However, with respect to FMLA leave, "immediate family" means spouse, child, or parent—but not a parent "in-law" with a serious health condition.

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

OVERTIME—Hours worked in excess of 40 hours during a regular work week by police, fire or non-uniformed employees.

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.

QUALIFYING PATIENT—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.

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

1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the city council.

Since personnel practices and procedures are in a constant state of change, the city will continuously review this handbook for amendments or revisions 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.

1.5 DISTRIBUTION LIST

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

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Tontitown 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; in accordance with applicable 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 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.

2.4 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:

An employee must immediately report the harassment or suspected harassment, in writing, to the Department Head. If the Department Head is the source of the alleged harassment or is so closely

associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Mayor or City Council member(s).

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.

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.

Any supervisor or department head 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 notify the Mayor or City Council Member(s).

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 for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the Department Head shall determine the manner in which to act upon the findings set forth in the investigation report.

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

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

3.2 AUTHORITY TO HIRE AND FIRE

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

3.3 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the 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.

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

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

3.4 EMPLOYMENT APPLICATIONS AND RESUMES

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

3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city. The examinations shall be performed by licensed physicians selected by the Mayor.

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 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 work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The city prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on city premises during work hours.

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

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

3.8.1 FITNESS FOR DUTY

Current abuse of drugs 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 off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the city will result in appropriate disciplinary action, including termination, 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 (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

3.9 GENETIC INFORMATION.

The city shall not request or require genetic information from an individual or family member, except as specifically allowed by the Genetic Information Nondiscrimination Act of 2008 (GINA). In making any request for medical information, the city shall include the following language to the medical provider:

“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 work stations in accordance with the rules and regulations established by the City of Tontitown. Regular and punctual attendance is an essential job duty for every employee with the city.

4.2 WORK HOURS

The standard workweek shall consist of forty (40) hours per week within a seven-day period, unless otherwise arranged by the Department Head to meet specific departmental needs.

Departments may vary employee's schedules based upon departmental necessity. The standard work week is 8:00 a.m. through 4:30 p.m. Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the 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 Department Head. Changes in work schedules will be announced as far in advance as practicable but 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. Reasonable time off for a meal will be provided.

4.3 UNAUTHORIZED WORK TIME

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

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

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

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 by Department Head. 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 Bi-Weekly basis to their supervisors for signatures. The supervisors shall forward the same to Accounting in a timely manner to ensure that payroll is processed timely and 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 2 weeks. 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 the Department Head, or Payroll department.

4.4.4 WITHHOLDING OF MEMBERSHIP DUES

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

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

4.5 SALARY BASIS POLICY

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

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

4.5.1 SALARY BASIS REQUIREMENT

To qualify for exemption, employees generally must be paid a federally-mandated minimum salary and meet additional requirements imposed by the Fair Labor Standards Act.

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

4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY

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

4.6.1 OVERTIME

The city will 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 the WORK HOURS section of this handbook.

Overtime will be permitted only with prior approval of the 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 Redacted

4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES

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

Exempt employees are not subject to the 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 workweek.

4.7 EMERGENCY SITUATIONS

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

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

4.8 TEMPORARY AND SEASONAL EMPLOYEES

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

4.9 VACANCIES AND PROMOTIONS

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

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

The final decision regarding promotions shall be made by the Mayor upon the recommendation of the Department Head.

4.10 TRAINING

The City of Tontitown is committed to continuing training for all employees. If an employee feels that additional training is needed, the employee is responsible for notifying the employee's department head. Expenses incurred for approved on-the job training shall be assumed by the city. A per diem of \$35.00 per day for meals for approved training will be provided by the city to the employee upon the receipt of appropriate documentation. This per diem does not apply to any training or meetings in Washington county, or any counties adjacent to Washington County.

4.11 PERFORMANCE EVALUATIONS

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

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

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

4.12 JOB SAFETY

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

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

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or

department head.

- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any and every accident to the supervisor or department head.
- Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include: harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or city property.

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted 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.

4.13 REFUSAL TO WORK

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

4.14 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Tontitown 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. 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 (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

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

4.15 EXIT INTERVIEWS

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

4.16 JOB DESCRIPTIONS

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

CHAPTER 5 BENEFITS

5.1 VACATIONS

5.01.1 VACATION TIME FOR POLICE DEPARTMENT UNIFORMED EMPLOYEES

Pursuant to Ark. Code Ann. §14-52-106, each uniformed employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. (120 Hours per year)

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

A working day is defined for purposes of this section as eight (8) 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 will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than two hundred and forty (240) vacation hours may be carried over one year past the anniversary date without prior approval from the police chief. Accrued vacation days not taken within this time-period will be deemed used.

5.01.2 VACATION TIME FOR FIRE DEPARTMENT EMPLOYEES

Pursuant to Ark. Code Ann. § 14-53-107, each fire department employee shall be granted an annual vacation of not less than fifteen (15) days with full pay. (120 Hours per year)

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

A working day is defined for purposes of this section as eight (8) 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 will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than two hundred and forty (240) vacation hours may be carried over one year past the anniversary date without prior approval from the fire department chief or appropriate department head. Accrued vacation days not taken within this time-period will be deemed used.

5.01.3 VACATION TIME FOR NON-UNIFORMED EMPLOYEES

Full-time employees working at least 40 hours per week and with less than 7 years of service shall accrue vacation leave at the rate of 6.667 hours per month (80 hours per year) of working service.

Full-time employees scheduled to work 32 or more hours per week will accrue vacation leave at the rate of 6.667 multiplied by regularly scheduled weekly hours, divided by 40 hours, for the same pay period.

Full-time employees with over 7 years of service shall accrue vacation leave at the rate of 10 hours per month (120 hours per year) of working service.

Full-time employees with over 7 years of service scheduled to work 32 or more hours per week shall accrue vacation at the rate of 10 hours per month, multiplied by their regularly scheduled weekly hours, divided by 40 for the same pay period.

Part-time nor temporary employees shall not accrue vacation time.

A working day is defined for purposes of this section as eight (8) 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 will not be paid until accumulated.

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than forty (40) vacation hours may be carried over as of December 31st of each year.

Accrued vacation days not taken within this time period will be deemed used.

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

5.01.4 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits in to the overall scheduling of the department. Employees should notify their department heads at least 7 days in advance of being absent for vacation time. The

permissible number of employees taking vacation any one time will be governed determined by the Department Head based upon departmental workloads. The city reserves the right to alter vacation schedules.

Approval of vacation leave requests falls under the discretion of the Department Head.

The Department Head evaluates each request on a case-by-case basis and determines approval based on the timeliness of the request and the departmental needs. Maximum vacation leaves to be taken at any one time is fifteen (15) days unless advance approval is granted.

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. Uniformed employees will receive holiday pay as provided by the laws of the State of Arkansas.

Holiday

Day/Date

Holidays falling on a Sunday will be observed on the succeeding Monday.

Holidays falling on a Saturday will be observed on the preceding Friday.

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

In addition, each employee shall be provided an annual holiday on the date of his or her birthday.

The city reserves the right to change observance of any published holiday.

Firefighters and law enforcement officers shall be paid for each holiday established by the city, in addition to their regular rates of pay. This additional pay shall be paid in one lump sum annually the 2nd Week of December. Holiday pay is defined for purposes of this section as pay for an eight (8) hour day, regardless of the length of a shift typically worked by the employee.

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 vacation time. The employee must report their absence to their immediate supervisor to remain in pay status for any such absence. Failure to report your absence could result in disciplinary action, up to and including termination.

Essential personnel are those employees who are required to provide mandatory services, and who must be on the job regardless of weather conditions. Department Head will ensure that those employees designated as essential services for their department are aware of this designation and understand that they are required to report to or remain at work.

5.4 SICK LEAVE

5.04.1 SICK LEAVE FOR POLICE DEPARTMENT EMPLOYEES

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) 8hr 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.

A working day is defined for purposes of this section as eight (8) 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, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary.

5.04.2 SICK LEAVE FOR FIRE DEPARTMENT EMPLOYEES

Pursuant to Ark. Code Ann. § 14-53-108, all fire department employees shall accumulate sick leave at the rate of ten (10) 8hr 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.

A working day is defined for purposes of this section as eight (8) 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 fire department employee is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any fire department employee 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 fire department employee shall not exceed sixty (60) days' salary.

5.04.3 SICK LEAVE FOR NON-UNIFORMED EMPLOYEES

The City of Tontitown recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Tontitown provides paid sick leave to full-time employees.

Eligible Full-time employees working 40 hours per week shall accrue sick leave at the rate of 8 (eight) hours per month.

Eligible Full-time employees not working 40 hours per week shall accrue sick leave at the rate of 8 (eight) hours per month multiplied by their regularly scheduled weekly hours, divided by 40, per month.

A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee.

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

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

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury, or death in the employee's immediate family, as defined in the definitions section of this policy, 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 previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

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

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

An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status, except as required to provide a reasonable accommodation as required by 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.

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

5.04.4 Misuse of Sick Leave

At all times, employees are expected to give honest and truthful reasons for absences. “Calling in sick” and using sick leave for reasons other than that which are outlined under these guidelines can result in disciplinary action, up to an including termination of employment.

5.5 FUNERAL OR BEREAVEMENT LEAVE

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

Any leave requested more than three (3) calendar days must be charged to accrued vacation or compensatory leave.

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

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

5.6 MATERNITY LEAVE

Employees affected by pregnancy, childbirth or related medical conditions 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 annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

5.6.1 NURSING MOTHERS

[NOTE: The Affordable Care Act amended section 7 of the FLSA—effective March 23, 2010—to require employers to provide reasonable break time for an employee to express breast milk, and a secure place, other than a bathroom, to express breast milk. More information can be found at the Department of Labor’s website www.dol.gov/whd/nursingmothers.]

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 work space is not private and secure, we 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 A of this handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

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

5.8 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the spouse, son, daughter, parent, or 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.

Because the City of Tontitown has fewer than fifty (50) employees, its employees are not eligible for family medical leave. At such time as the City's employees do become eligible under the Act, this provision will be revised to reflect the benefits pursuant to the FMLA.

5.9 LEAVE FOR WITNESS OR JURY DUTY

Employees 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 have completed a minimum of ninety (90) calendar days of service will be granted leave with pay for witness or jury duty.

This paid leave shall not exceed two (2) weeks of paid jury or witness duty leave over any two (2) year period.

Employee must submit to the Department Head a copy of the summons or other relevant court related

paperwork as early as possible upon receipt thereof.

In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

5.10 MISCELLANEOUS LEAVE

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be preapproved by Department Head or Mayor.

Compensation for travel time and attendance at programs will be made in accordance with 29 Code of Federal Regulations [C.F.R.] sections 785.10 through 785.41.

The city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses. (See section 4.10 Training)

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

5.11 EMPLOYEE HEALTH BENEFITS

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

5.12 OCCUPATIONAL INJURIES

All city employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the job" injury should immediately notify the employee's supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located in City Hall.

5.13 ACCIDENTAL INJURY

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

CHAPTER 6

STANDARDS OF CONDUCT

6.1 COMMUNICATING WITH THE PUBLIC

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

When an employee is uncertain of the correct response to an inquiry or request from the public, 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, publications, news releases, on social media sites, and related communications. Other employees may represent the city if approved by one of these individuals 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. Account names on social media sites must clearly be connected to the city and approved by the Mayor.

All information must be respectful, professional, and truthful. Corrections must be issued when needed.

Employees need to notify Mayor 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 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. Any requests must immediately be forwarded to the public records custodian. If the employee receiving the request is not the custodian, the employee must notify the requester of this fact and identify the custodian.

6.1.3 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 the Departmental custodian of the records 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:

If the request is for routine or public information (such as a meeting time or agenda) provide the information

and notify Mayor of the request.

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 to the Mayor or in the case of a records request, to the Departmental custodian of the records. 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.”

Ask the media representative’s name, questions, deadline, and contact information.
Departmental Custodian of records:

Mayor	-All Administrative office jobs, planning, accounting, administrative
Police Chief	-All Law Enforcement request
Fire	-All Fire Enforcement request
Public Works	-All Water/Sewer/Streets/Parks/Building

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.”

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/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.

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

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

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

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

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

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. 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.

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

6.11 USE OF CITY ASSETS AND RESOURCES

6.11.1 TELEPHONES

Telephones are to be used to conduct city business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the Mayor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or 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 cellular or mobile telephones should be used for city business-related purposes. Personal calls are to be minimized. The city reserves the right to monitor the billing and use of all city-issued cellular/mobile telephones and has the authority to withhold any unauthorized amounts from the employee's wages.

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

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

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of 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, cell phones, pagers, 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. 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, 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 of 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 emails;
- Accessing, viewing, or downloading inappropriate websites, 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, lists, or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
- Decryption of system or user passwords.
- Only software which has been purchased or approved by the City of Tontitown may be loaded or used on any of its computers. All software, programs, applications, templates, data, and data files stored in, residing on, or developed with city computers, networks, or storage media are property of the city and shall not be removed from the workplace without proper authorization. The city's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software.

Computer equipment, including software, should not be removed from city premises without prior written approval from the Department Head.

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

6.11.3 INTERNET ACCESS

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

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

6.11.4 ELECTRONIC MAIL AND CONFIDENTIALITY

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

The electronic mail system shall not be used to solicit or 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 REMOVAL OF CITY PROPERTY

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

6.11.6 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 the 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 director.

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

Thefts or accidents involving city vehicles must be reported immediately to the police, Department Head and 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 his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head.

CHAPTER 8
FORMS

APPENDIX A

RECEIPT OF CITY OF TONTITOWN PERSONNEL HANDBOOK

(To be placed in employee's personnel file)

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

I understand that if I have any questions about the provisions contained in this handbook, I should direct them to Department Head.

Signed _____ Date _____

I, _____, provided a copy of the City of Tontitown Personnel Handbook to _____ on this _____ day of _____, 20____.

Signed _____ Date _____

APPENDIX B

EMPLOYMENT RECORDS RELEASE

TO: _____

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

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

EMPLOYEE (Signature) _____

EMPLOYEE (Printed Name) _____

STATE OF ARKANSAS COUNTY OF _____ Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

My Commission Expires:

[NOTE: This Release should be used to obtain information from previous employers in order to make informed hiring decisions. A similar release should be used for current or past employee to sign when he or she wishes for you to release information to another prospective employer.]

