CITY OF NORTH LITTLE ROCK

ADMINISTRATIVE
PERSONNEL POLICIES AND PROCEDURES

FOR
DEPARTMENTS EMPLOYING
NON-UNIFORMED EMPLOYEES

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SECTION 1.

INTRODUCTORY STATEMENTS

POLICY STATEMENTS

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

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

Employment At Will
The City or the employee may terminate the employment relationship at any time for any reason, with or without notice. However, non-probationary Civil Service-classified employees may exercise statutory rights of appeal with regard to demotion or reductions in regular rate of pay, suspensions of five or more days, and discharge. The Civil Service Commission Rules and Regulations govern appeal procedures for these actions.

Applicability
These policies and procedures shall apply to all non-uniformed employees unless in conflict with Civil Service Commission Rules and Regulations or law. Failure to comply with these policies may result in disciplinary action, including discharge.

Gender Pronouns
The use of specific gender pronouns has been avoided wherever possible. However, where such avoidance would have led to very awkward sentences, the masculine pronoun has been used and refers to both genders without distinction of gender and without discrimination.

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

Policy Enforcement
Each department head is responsible for enforcing these policies and procedures. Department heads are also authorized to establish, communicate and enforce written and unwritten operational policies, procedures, and practices to ensure the efficient, safe, day-to-day operations of their respective departments to the extent that they do not conflict with civil service rules and regulations, federal, state, or local laws. All such policies must be submitted to Human Resources and Legal for review and approved by the Mayor before they are made effective.

Employee Responsibility
Employees are responsible for complying with the policies herein and for conforming to the directions, procedures and practices provided by departmental management in the fulfillment of these policies. Employees failing in this responsibility may not claim

lack of knowledge as an excuse for performance deficiency or misconduct. Employees who fail to comply with the policies and procedures contained herein, Civil Service Rules and Regulations, Executive Orders, management's oral and written directives or who commit other serious acts of misconduct are subject to disciplinary action, including discharge.

Dissemination

All current non-uniformed City employees and their supervisors shall be informed of the existence of these policies and procedures and will be provided with a copy. Each department head shall ensure that each division, section, or work site keeps one copy of the policies available for employee reference. One management person in each department shall be designated to be responsible for maintaining a current copy for employee reference. This policy manual shall also be made available in the future on-line via the Human Resources Department's web address at http://www.northlittlerock.ar.gov/employment/human-resources.asp

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

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

Civil Service Rules and Regulations

The Civil Service Commission establishes and enforces rules and regulations pursuant to Arkansas law concerning Civil Service-classified employees. Responsibilities include, but are not limited to, establishing qualification standards and rules and procedures for entry-level and promotional selection procedures and appeals of disciplinary actions in the form of demotion or reduction in regular rate of pay, suspension of five (5) or more days, or discharge. A current copy of Civil Service Rules and Regulations should be maintained in each department, division, and work site for civil service-classified employee and management access. The Civil Service Rules and Regulations shall also be made available as soon as possible on-line via the Human Resources Department's web address shown above.

Safety Policies

In addition to this manual and the Civil Service Rules and Regulations, supervisors and employees should also review the Safety Manual and the Safe Operating Instructions for all equipment or vehicles they are authorized to operate.

Management Authority

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

- plan, direct, control, increase, decrease, combine or discontinue, in whole or in part, any position, section, unit, division, or department of North Little Rock City government;
- determine the scope, objectives and services of each department ;
- introduce or change the type of services or types of work to be performed;
- introduce or change the processes, procedures, methods, techniques of how service is to be delivered or work is to be performed;
- introduce or change equipment or facilities, assign equipment, work duties, and location of work;
- establish and enforce written or unwritten policies, procedures, practices or guidelines governing operations, as well as the standards of conduct, attendance, or other terms and conditions of employment that are, or become, necessary;

- determine the number of employees and the job classifications necessary for existing positions or positions that may be created in the future; increase or reduce the number of shifts, shift schedules and/or number of hours worked by employees;
- hire, assign, reassign, transfer, promote, lay off or recall employees as needed;
- discipline employees, including discharge;
- assign duties and regular and overtime work in accordance with departmental needs;
- establish standards of job performance and to make periodic performance reviews and evaluations;
- establish and revise job classifications and accompanying pay grades, job descriptions, hourly, weekly, bi-weekly, and monthly pay systems; automated processes or operations;
- contract for goods, equipment or services; and
- act as necessary to properly carry out the activities and operations of all City departments so long as such actions are not in conflict with any federal, state or local statutes or ordinances.

MISSION STATEMENT

The motto of the City Administration is "Quality Living through Quality Service." To meet that goal, our mission shall be:

- To identify and understand the unique needs of our community and go beyond the expected in meeting those needs;
- To provide our employees with the training and support needed to grow professionally and personally; and
- To adhere to the highest standards of honesty, ethical behavior and public accountability.

Fundamental Principles

Our community is entitled to our concerted efforts to provide quality services. To this end, for our citizens, we will strive to:

- Provide the best possible services;
- Be publicly accountable for all tax funds spent in the operation of City government;
- Work consistently and diligently to increase our knowledge of our community's needs;
- Conduct business with our citizens consistently, with honesty, integrity and without discrimination;
- Support the economic climate of the community by purchasing materials and services locally whenever possible and economically feasible;
- Promote the general community welfare; and
- Encourage our employees to assume local civic responsibilities.

For our employees, we will strive to:

- Recognize the intrinsic value of each employee as an individual;
- Provide working conditions and an environment that will maintain the dignity of the individual;
- Treat our employees and applicants for employment without discrimination as to race, color, religion, gender, national origin, age, veteran status, or disability;
- Provide appropriate training that will permit employees to develop their ability to perform their jobs in an efficient and more meaningful manner;
- Recognize the value of employees who thoroughly understand their job responsibilities, so that individual initiative and thought will be encouraged in the accomplishment of their tasks; and
- Provide opportunities commensurate with the City's goals and standards.

MAYOR'S OFFICE OF VOLUNTEER SERVICES

The City supports and encourages the spirit of volunteer service in City government. The Mayor's Office of Volunteer Services has been created to promote citizen volunteer participation in City government to perform needed services in various departments and to fill needs identified and requested by the heads of the departments.

The Mayor's Office of Volunteer Services is administered by a volunteer Director and other volunteer staff under the supervision and direction of the Mayor.

Departments having a need for services that can be performed by a volunteer should direct all requests to the Director. The Director will evaluate the request and consult the department head to create a description of the tasks to be performed, the qualifications required, and a schedule of hours to be worked. The Director recruits and assigns all volunteers. All records are maintained in the Office of Volunteer Services

Volunteer services are not intended to be used as a substitute for authorized paid city positions.

When assigned to a department, volunteers will be given an orientation to the department and the tasks to be performed by the Director and by the department staff. Volunteers are to report their hours of work monthly to the Director.

While assigned to a department, volunteers are required to abide by City and departmental rules. Problems that arise should be reported immediately to the Director who is responsible for correcting any problems that arise.

Volunteers do not receive benefits, but are included as eligible to receive the annual flu shots when provided by the City to City employees and are to be included in all departmental and other City social events that are attended by City employees.

The Office of Volunteer Services is currently located at 401 West Pershing Street, North Little Rock, Arkansas 72114; phone (501) 975-4297 ext 253. The e-mail address is: Volunteer@northlittlerock.ar.gov

PUBLIC SERVICE

Each City position exists to render, directly or indirectly, a public service to the citizens of North Little Rock. All city employees are considered representatives of city government,, and when approached or contacted by a citizen seeking city services or other assistance should provide prompt, efficient, and courteous service.

Telephone Identification Requirement

Citizens who contact City departments by phone to seek information, give information or to submit a complaint, should know the name of the person with whom they are speaking and know their inquiry or complaint is important. Therefore, all City employees who answer telephones should identify themselves and their department when answering a city telephone.

Periods of Emergency

As a public servant, each city employee is expected to participate in any work required during periods of emergency, regardless of whether the duties assigned are part of their regular position. Employees reasonably able to safely report to work during periods of emergency and who refuse to do so without a valid excuse shall be subject to disciplinary action, including discharge.

SECTION 2.

EQUAL EMPLOYMENT AND SEXUAL HARASSMENT POLICIES AND PROCEDURES

EQUAL EMPLOYMENT

The City of North Little Rock is committed to fair and equal opportunity in employment and service delivery regardless of race, color religion, gender, age, disability, sexual orientation, gender identity or expression, genetic information, marital status, national origin, or veteran status. This policy statement reinforces and communicates that commitment to employees.

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

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

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

City employees are required to utilize the Complaint Resolution Procedure, Policy No. 5-008, located in Section 5, on page 71 in this manual to report claims of unlawful discrimination or harassment of any kind. All complaints will be promptly and thoroughly investigated and appropriate action, if any, will be taken.

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

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

Any person or organization may have access to the City's Equal Employment Opportunity Officer during normal business hours Monday through Friday. Complaints, questions and requests should be directed to:

City of North Little Rock
Equal Employment Opportunity Officer
Human Resources Department
City Administration Building,
120 Main Street
North Little Rock, AR 72114
Mailing Address
P.O. Box 5757
North Little Rock, AR 72119-5757
(501-975-8863)
BAnderson@nlr.ar.gov

SEXUAL HARASSMENT

Purpose

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

Sexual Harassment Defined

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

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

Responsibility to Prevent and/or Correct

The City of North Little Rock

The City is responsible for, among other things:

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

Department Management

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

Employees

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

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

Complaint Procedure

It is extremely important that incidents of sexual harassment be investigated promptly. Employees experiencing sexual harassment are requested to report it within three (3) working days following the occurrence to their immediate supervisor and/or department head for swift investigation and appropriate corrective action. If the harassment is allegedly being committed by the employee's immediate supervisor or department head, or if for some other reason the employee is not comfortable reporting sexual harassment to his/her supervisor or department head, the employee may make the complaint report directly to the EEO Officer or the Human Resources Director.

Investigations

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

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

(B) Written or verbal statements may be taken from the complainant, the accused, and any other persons with knowledge pertinent to the claim of sexual harassment. All employees have a responsibility to cooperate fully with the investigation of a sexual harassment complaint.

(C) Employees are expected to be completely truthful, candid, and to otherwise cooperate fully with requests for information or evidence that are made by any authorized city official or individual conducting a lawful investigation into sexual harassment or any other type of misconduct.

Confidentiality

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

Retaliation Prohibited

The City prohibits any form of retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. Retaliation is engaging in adverse action or treatment of an employee for reasons including, but not limited to the employee's:

- opposing any practice of sex discrimination, sexual harassment or sex-based harassment;
- filing a charge of discrimination alleging any such practice;
- testifying or participating in any manner in any proceeding, hearing, or investigation (including, without limitation, any internal investigation undertaken by the City), relating to any claim of sexual harassment or discrimination;
- asserting any rights; or seeking and/or receiving any monetary or non-monetary relief.

Violators are subject to disciplinary action, including discharge.

Falsifications or Obstructing the Investigation

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

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

Corrective Action

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

SECTION 3.

EMPLOYMENT POLICIES
AND
PROCEDURES

HIRING AUTHORITY

Full-time elected officials are the hiring authority for their appointive personal staff positions. Such offers of hire shall not be valid unless made in writing by the appointing elected official.

The Civil Service Commission is the hiring authority for all Civil Service classified positions. The Human Resources Director recommends all persons to be offered Civil Service classified positions. No appointment, promotion or transfer shall take effect until an individual has received written notice of hire, promotion or transfer from the Civil Service Commission.

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

BACKGROUND INVESTIGATIONS

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

- criminal conviction history;
- verification of previous employment,
- verification of education,
- verification of military service claimed,
- verification of Arkansas driver's license (if driving is a requirement),
- traffic Violation Record (if driving is a requirement),
- credit check (only for positions initiating or affecting financial transactions),
- verification of required or claimed certifications or licenses.

Criminal Convictions

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

- type of position being filled,
- number of convictions,
- type of convictions,
- type of offenses,
- number of years since last conviction,
- successful completion of any probationary period.

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

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

Applicants with offenses that have been expunged are exempt from listing the expunged record on the application. However, should a criminal conviction appear on a criminal history records check that an applicant claims is expunged, it is the individual's responsibility to provide verification of such expungement from the court in which the conviction was entered before being further considered for hire.

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

EMPLOYMENT ELIGIBILITY DOCUMENTS

Federal regulations require the City to comply with the Immigration Reform and Control Act of 1986. All new employees must complete an I-9 Form and provide two forms of proof of their identity and their eligibility to work in this country.

The Human Resources Department provides the blank I-9 form along with the letter of hire and other documents to the department head prior to the employee's first day on the job.

The department head is responsible for verifying the employee's eligibility to work in the United States and for properly completing the Employer Section of the I-9 Form. Following completion, the department head provides the completed I-9 with supporting documentation, along with the payroll documents and other start-up documents, to the Finance Department.

The Finance Department is responsible for forwarding the completed I-9 documentation to the Human Resources Department. All original copies of the completed I-9 documentation are maintained in the Human Resources Department.

Employees are expected to complete the I-9 Form and provide the two proofs of eligibility to work on their first day of work. If an employee is unable to provide the necessary proof of eligibility documentation within three working days from the date of hire, the employee must provide written proof that he has applied for the required documents.

If a federal government form or certificate is notated "do not photocopy," it is not to be photocopied to accompany the I-9; rather a written verification signed by the person inspecting the document must be provided certifying that the person inspecting the document has seen the original document.

The Human Resources Director should be contacted immediately if a new employee is unable or unwilling to provide the required proofs of eligibility to work in this country. The employee in such cases should not be allowed to work and should be sent home until a determination is made as to whether or not termination is warranted.

If notification is received by a department head from any governmental agency that it is going to conduct an inspection of the I-9 documents of the department employees, the Human Resources Director should be notified immediately.

NEW EMPLOYEE ORIENTATION

In an effort to insure a smooth transition to City employment, all newly-hired employees should be given pertinent information regarding their job duties; the terms and conditions of their employment relationship with the City, and the initial job training they will receive. They should be provided a copy of these policies and procedures and to have them explained. They should be given an opportunity to ask questions about all facets of their employment. Orientation for new or newly-promoted employees is the responsibility of the department head (or authorized designate). Supervisors should ensure that they communicate often with new employees during the first few weeks or months of their employment.

Procedure

- The Human Resources Department provides the department head with a copy of the employee's letter of hire or promotion along with an orientation form prior to an employee's first day on the job. This form is intended to document that the employee and the supervisor (or authorized designate) have discussed and the employee has received a copy of each applicable item on the form. Other start-up paperwork to be completed will also be enclosed with the orientation form.
- During the first week of employment, the department head (or authorized designate) is required to discuss written and unwritten policies, procedures and practices, including but not limited to, the job description, performance standards, safety standards, proper operation of equipment, as well as all other information necessary to acquaint the employee with the job and the terms and conditions of employment. The employee will be required to initial the orientation form in the blank next to a statement of each item received and/or discussed and to sign the form acknowledging receipt of any written or unwritten information and for any equipment or supplies received.
- All signed orientation forms and acknowledgements are to be sent to the Human Resources Department to be placed in the employee's official personnel file as soon as possible.
- New employees are responsible for utilizing this period to become familiar with all policies, rules, regulations, procedures, practices and other terms and conditions of employment, and for asking any questions necessary to ensure that all matters that affect and govern the employment relationship and any safety issues will be thoroughly understood. Ignorance of a policy, rule, regulation, procedure, practice, etc., will not be considered a defense for a violation.

TEMPORARY EMPLOYEES

Emergency Hire Employees

Occasionally it is necessary due to urgent need or emergency situations to hire temporary employees for emergency reasons that include, but are not limited to, working in a vacant position until the selection process is complete, working in a position during lengthy absences of current employees due to sickness or injury, working on special projects, or during periods of extraordinary work demands. The temporary employees hired by the City for these purposes are known as “emergency-hire” employees.

All emergency-hire assignments are filled on a temporary, as-needed basis for a period of time not to exceed 60 working days or 480 working hours except in extraordinary circumstances of urgent need. Emergency-hire employees are listed as “unauthorized” on the department payroll roster since they are not authorized by the City Council in the annual quota ordinance of regular city positions.

Department heads seeking approval for temporary, emergency-hire employees must complete an Emergency Hire Request Form stating the need for the temporary help and the duration the temporary help will be needed, and forward it to the Human Resources Department. The Human Resources Director will review and verify the emergency that necessitates an emergency-hire employee, forward the request through the Finance Department for funding approval, and through the Mayor's Office for final approval.

Various methods are utilized for recruiting temporary employees, including, but not limited to, newspaper advertisements, departmental referrals, use of temporary agencies, and assignments of current employees who require temporary light duty while recuperating from illness or injury.

Temporary Agency Employees

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

Competing for City Positions

Temporary and part-time employees are not eligible for positions posted in vacancy announcements with the statement, “Interdepartmental Posting Only, Applications Accepted from Full-time Regular City Employees Only.” These positions are considered promotional opportunities open only to current, full-time, regular city employee applicants. Interdepartmental means between all city departments.

However, temporary and part-time employees may apply for any position advertised to the public, including the vacant position to which they may be assigned. However, no special consideration in the selection process is given to temporary employees. They are required to compete on the same basis as all other applicants. Credit will not be given in an interview for knowledge, skill, or experience gained while working temporarily in a vacant position unless the employee was hired competitively, following advertising and competition with other applicants. Employees of temporary agencies may not be considered for hire if the temporary agency for which the employee works requires the City to pay a fee for hiring them.

EMPLOYMENT OF RELATIVES

No person shall be placed, hired, transferred, promoted, demoted, or assigned to a position if such action will require the employee to serve immediately under an officer or supervisor who is a relative or relative-in-law nearer than the third degree.

Relative

The term relative is defined as all persons related to the employee by blood, the employee's spouse, and the employee's "significant other" or "life partner". A relative nearer than the "third degree" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first, second or third cousin, or corresponding in-law or "step" relation of the employee or employee's spouse or "significant other" or "life partner".

"Significant Other" or "Life Partner"

A "significant other" or "life partner" is defined as a person of the opposite or same sex with whom the employee is engaged in a common-law (or similar) domestic relationship.

Prohibitions

No employee may sit as a voting member of any interview panel where the applicant to be interviewed for employment, promotion, or job assignment is a relative of any degree, or a significant other person as defined above, or where there is any type of conflict of interest in doing so.

Covered Employees

This policy applies to all classes of employees.

Notification Required

An applicant or employee is required to notify the Department head or the Human Resources Department of any situation that would violate the foregoing rule. Appropriate action will be taken for violations.

FILLING VACANCIES

It is the City's objective that employees be selected based on merit and qualifications, and that selection procedures be non-discriminatory. Discrimination based on race, color, religion, age, sex, national origin, disability, sexual orientation, or political affiliation is prohibited. The City affirmatively encourages minorities, females, persons with disabilities, and veterans to apply for vacant positions with the City.

The procedures for filling positions are designed to comply with Arkansas statutes, Civil Service Rules and Regulations and the Consent Decree.

To initiate the process for filling a vacant position, the department head submits a written request to the Human Resources Director who reviews the request and forwards it to the Finance Director for funding approval. If there are sufficient funds budgeted to fill the position, the Finance Director forwards the request to the Mayor for final approval to fill the position. Upon receipt by the Human Resources Department of the Mayor's approval to fill the position, the formal recruiting and selection process begins.

Entry-Level and Temporary Position Vacancy Announcements

Vacancy announcements are sent to each department to post on their bulletin boards in a place designated at each work site for such announcements for a minimum of ten (10) working days for external/new positions and minimum of five (5) days for internal/promotional positions.

Vacancy announcements for entry-level jobs are also advertised to the public via ads in newspapers, announcements on the Human Resources Department's job line (1-501-396-0020), on the City's website, *www.northlittlerock.ar.gov/job-opportunities*, and are mailed to many community organizations and other recruiting contacts.

During the period an entry-level vacancy announcement is posted, any employee meeting the minimum qualifications for the position may apply.

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

Interdepartmental Vacancy Announcements

Some positions are reserved for promotional opportunities for full-time, regular Civil Service classified employees. These positions are advertised interdepartmentally only among the City's departments and are not advertised to the public unless the Human Resources Director determines it is in the best interests of the City or the department to do so. In such cases, the public advertisement will be made concurrently with the interdepartmental posting.

An employee must be a regular, full-time, Civil Service-classified employee and meet the minimum qualifications for the position as shown on the vacancy announcement to be eligible to apply for an "interdepartmental posting." The employee must also meet the minimum Civil Service Commission standards for promotion at the time of the posting to be eligible for consideration for promotion. These standards may be found in the Civil Service Rules and Regulations.

Departmental Requirements

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

Employee Responsibilities

Employees are responsible for monitoring departmental bulletin boards on a regular basis to review job vacancy announcements and other job-related information.

The City's courier shall not be used for obtaining applications from, or returning applications to, the Human Resources Department. The employee must go to the Human Resources Department to obtain an application. The interested employee is responsible for:

- picking up the application in the Human Resources Department;
- completing the application; and
- returning the application to the Human Resources Department by the posted deadline.

Employees attempting to circumvent this requirement assume the consequences of disqualification if the Human Resources Department does not receive their application on time.

Form of Application Required
Applications shall be on a form provided by the Human Resources Department. Applications must be completed and signed in the applicant's own handwriting. The completed application form and any required accompanying documents are the only documents that will be reviewed when preparing the preliminary evaluations of applicant qualifications. Resumes are not acceptable in lieu of completing the information requested in the application. Applicants may be disqualified if this requirement is not met.

Misrepresentations, false claims or statements made on an application for employment, are cause for denial of employment and, if discovered following the date of hire, may be grounds for immediate discharge.

Deadline for Accepting Applications
Applications must be submitted in person to the Human Resources Department no later than 4:00 p.m. on the expiration date shown on the vacancy announcement.

Requests for Extensions of Time
The posted deadline will not be extended unless it is determined by the Human Resources Director that it is in the City's best interests to do so.

Notification of Application to Department Head
As a courtesy, employees should notify their supervisor or department head when applying for a vacant job in the same or another department, but they are not required to do so. However, the Human Resources Department may contact the employee's supervisor or department head prior to completion of the selection process as necessary to assess the applicant's qualifications.

Retaliation Prohibited
There shall be no retaliation against any employee who applies for a vacant position in any department.

Notification of Application Status
The selection process for any position consists of various steps. Applicants and employees applying for a job vacancy will be notified in writing by the Human Resources Department or Civil Service Commission regarding their status at the appropriate time during, and upon completion of, the selection process. Any inquiry from an applicant seeking their status before the final selection is made will not be responded to unless it is in made in writing. Such inquiries will not receive a response until the conclusion of the selection process.

Evaluation Methods
Factors used to evaluate applicants include, but are not limited to: previous work history, (including attendance record (except for FMLA leave); background checks, including criminal history records, minimum required education, licenses, certifications, job-related experience; and the ability to effectively perform the essential functions of the position. Preliminary job-related written tests are required for certain positions.

If there are more than five applicants who meet the minimum qualifications, the five (5) best qualified are referred for interview. Job-related structured panel interviews are conducted by one or more qualified representatives from the department in which the vacancy exists, and a member of the Human Resources Department. Structured interviews may consist of oral questions, writing samples, or other skill or work samples. Persons interviewed for positions requiring certain written and/or clerical skills are required to take a skills test during or following the interview.

Prohibitions Against Second City Positions
No employee may be hired into a second City position if the two positions combined will require the employee to work in excess of 40 hours per work week without the written recommendation and approval of the Mayor.

Other Requirements
Before receiving a conditional offer of hire, applicants being considered for hire must satisfactorily meet all the remaining requirements for employment, which may include, but are not limited to:

- job-related skill or other work demonstration for jobs involving heavy manual labor, equipment operation, commercial truck driving, or physical agility;
- background investigation;
- criminal conviction history;
- verification of education;
- previous employer references; and/or
- traffic violation record (for positions that require driving a city vehicle).

Post Offer Medical Examinations
Upon successful completion of the above requirements and after the decision has been made to hire, an offer of employment will be extended to the applicant conditioned upon the candidate successfully passing a pre-employment drug screen and physical examination. The Human Resources Department is responsible for arranging all such exams.

The applicant will be provided with a time and date of the exams along with directions to the collection site and the physical examination site. He/she must report to the collection site with a valid photo proof of identification within the time designated. Candidates failing to specifically follow the collection procedures or found to have altered a specimen in any way, will no longer be eligible for employment.

Employees receiving a recommendation for promotion or transfer to a position with heavier physical requirements, or safety sensitive job duties, or driving requirements, will receive an offer of transfer or promotion conditioned on the City medical provider's determination that the employee can perform all the essential functions of the position with or without reasonable accommodation.

Passing the pre-employment or pre-transfer/promotion drug screen and physical examination is a part of the employment process. If the candidate does not successfully pass either of these examinations, the offer of employment, transfer or promotion is revoked.

Department heads shall not permit a candidate for hire or promotion/transfer to begin work in the position before receiving a copy of the letter of hire from the Human Resources Department.

Employee drug screen and physical examination results are kept confidential. This information will be maintained in the employee's separate confidential medical file in the Human Resources Department. The results of post-offer transfer/promotion drug screen or physical examination may be discussed with the department head on a "need to know" basis.

OPPORTUNITIES FOR SPECIAL ASSIGNMENTS OR TRAINING

Special assignments that may represent an opportunity for pay differential, an informal or formal opportunity to learn new job skills or attend training may occur within departments from time to time. Objective criteria should be used to determine qualifications for these special assignments. If there is more than one employee who meets the qualifications for receiving the opportunity, it should be posted in the department so that every employee who meets the criteria for selection will have an equal opportunity to apply and be considered. The minimum qualifications and other objective criteria used to select employees to fill each special training opportunity or assignment should be documented.

Unless there is an unforeseen emergency situation that makes it impractical to do so, special assignments or training opportunities are to be posted by the department head in the department for a minimum of five days and include a description of the duties or the training opportunity, the minimum qualifications required, and the criteria that will be used for selection. The criteria may include, but is not limited to, seniority based on date of hire or seniority based on employment in a specific position. Among employees with equal qualifications, the appropriate type of seniority will be the determining factor.

Unforeseeable situations

With the approval of the Human Resources Director, the above requirement may be waived in times of emergency or other urgent unforeseen situation that requires the department to immediately assign job duties. Such employee must be able to perform the job duties assigned at the time of assignment. All such assignments will be made on a fair and non-discriminatory basis. Seniority will prevail among employees with equal qualifications, knowledge, skill, ability, and availability. See Policy No. 3-010, Seniority, located on page 36 of this manual for the definition of seniority.

As soon as the emergency situation is over, the employee must be returned to his/her previous job duties and, if the situation involves a vacant position, it should be posted as soon as possible for open competition as usual.

Experience Gained in Special Assignments or Training Opportunities

Experience or knowledge gained while working in a special assignment or in other special training opportunity may not be credited in a later selection procedure for a position requiring the same knowledge, skill and ability and job duties if the assignment was not posted and competitively assigned as described above.

TRAINING

The City provides training opportunities when appropriate and required to ensure that employees are informed of rules, policies, procedures, and practices; federal, state and local laws pertaining to their employment. Other training may be conducted for skills development, certification requirements, and for other purposes.

Primary responsibility for on-the-job employee training and skills development is with the department head (or authorized designate). Priorities will be established according to departmental needs and necessary expenses will be assumed by the City.

Specialized training may be given as needed by the Human Resources Department, the EEO Officer, or the Safety Director. Outside expertise may be obtained from time to time to provide required training.

Opportunities for training of any kind shall be offered in a fair and non-discriminatory manner.

Employees are required to attend all training as directed. Failure to do so is a violation of this policy and may constitute cause for disciplinary action, including discharge.

Employees may be required to obtain special training after employment in order to obtain licenses or certificates or other requisites for their positions. Failure to attend or to pass such training is cause for removal from the position via discharge or demotion whichever is appropriate.

SENIORITY

Definition

Seniority is usually defined as an employee's length of continuous service beginning with the date of hire. However, for some purposes, seniority may be defined by the date promoted or reclassified to another position, i.e., "time in rank." Seniority may be a factor in deciding questions of administrative discretion when other factors are equal, insofar as such is not in conflict with the rules and regulations of the Civil Service Commission, the Consent Decree or other applicable statutes. The principles of seniority among Civil Service classified employees holding the same job classification shall govern in lay-offs, recall, special assignments and training opportunities.

Lay-Offs

Lay-offs are governed by Civil Service Rules and Regulations. Refer to those rules for information concerning lay-offs.

Special Opportunities

Special assignments that may afford employees pay differential, a learning opportunity, or a formal training opportunity, occur within departments from time to time. If all applicant employees' qualifications, including work history, are equal, the training or assignments should then be made according to the appropriate type of seniority, i.e., length of service, or time in the position from which the selection will be made.

Vacant Positions

The appropriate seniority will only be used to determine selection when all other qualifications are considered equal and the selection process results in a tie.

PROBATIONARY PERIODS

New Employees

All newly-hired employees, whether or not Civil Service classified, full-time or part-time, must satisfactorily complete a one-year period of probation before their appointment is complete. The probationary period provides a trial period for the department head and/or immediate supervisor to closely observe and evaluate the employee's performance, interpersonal skills, attitude, conduct, attendance and any other relevant factor, to determine whether or not to complete the appointment. During the probationary period, the employee will be counseled on the proper performance of the job duties and other performance criteria, along with policies, procedures, rules and regulations, safety rules, appropriate conduct, and any other related requirements, including regular and predictable attendance and punctuality.

Promoted or Transferred Employees

All newly-promoted or transferred employees are required to successfully complete a six-month period of probation before promotion or transfer is complete.

Promotions or Transfers Prior to Expiration of Initial One-Year Probationary Period

Employees promoted or transferred prior to the expiration of their initial one-year probationary period must complete a six month period of probation in the new position, as well as finish completing the one-year initial period of probation per the following procedure:

- If a new employee has more than six months remaining in the initial period of probation and is promoted or transferred, the six-month promotional or transferred period of probation will run concurrently with the remainder of the initial period of probation and will expire at the end of the one-year period.
- If a new employee has less than six months remaining in the initial period of probation and is promoted or transferred, the period of probation will expire upon the completion of the six-month promotional or transfer period of probation.

Discharge or Demotion of Probationary Employees

At any time during a probationary period an employee does not or cannot demonstrate the ability or willingness to perform the duties of the position satisfactorily or if the employee's habits and dependability do not merit continuance in the position, the employee may be discharged, or demoted if applicable. Discharge or demotion of probationary civil service-classified employees will be based upon the department head's providing written reasons for the discharge. There are no appeal rights for discharge during the initial one-year period of probation or for demotion during the six-month promotional probationary period.

The decision to retain, discharge, or demote a probationary employee from a position should be made as far in advance of the end of the probationary period as possible.

SEPARATION FROM EMPLOYMENT

The City and the employee recognize that either party may terminate the employment relationship at any time and for any reason regardless of the date of final compensation. Neither is bound by any contractual agreement, except for employees classified as contract employees who are hired pursuant to a binding contract executed for the City by the Mayor or the City Council or the Human Resources Director. Civil Service employee's who have completed the one-year initial period of probation and who deny the charges upon which a discharge is based may appeal discharge actions to the Commission. The purpose of this section is to provide information regarding separation from the City's employment for various reasons.

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

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

Resignation

Employees wishing to leave the City's service may do so at any time and for any reason. Employees are asked to provide written notice of resignation in advance if possible, in order to allow sufficient time to calculate all hours worked, including accumulated overtime (if applicable) as well as other monies to which the employee may be entitled so that such monies, except pension refunds, may be included on the final paycheck(s). Employees resigning without notice, however, may have to wait until after the end of the next normal pay period to receive such payments.

Retirement

Employees who plan to retire and desire prompt payments of pension benefits are requested to provide the department head and the Finance Director with a minimum of two months notice to allow ample time for the processing of the required pension forms in order that retirement benefits may commence in a timely manner following the date of retirement.

Appeal of Discharge

Non-probationary Civil Service classified employees may appeal a discharge by filing a written statement with the Civil Service Commission in care of the Human Resources Director within ten (10) days of the receipt of the notice of discharge. Further information regarding Civil Service may be found in the Civil Service Commission Rules & Regulations, a copy of which is available for employees in each department.

Exit Interviews

Employees who are resigning should be asked to contact the Human Resources Director (or authorized designate) or the EEO Officer for purposes of completing an exit interview. Supervisors receiving verbal notice of resignation should request that the employee contact one of the above-mentioned individuals for that purpose. Exit interviews are not required for retiring employees or discharged employees.

Return of City Property and Funds Owed the City

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

SECTION 4.

COMPENSATION
AND
CLASSIFICATION POLICIES
AND
PROCEDURES

COMPENSATION

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

Pay Plan

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

Paychecks

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

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

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

Worker's Compensation Disability Payment Checks

The City provides supplemental pay for a limited period of time while an employee is receiving Worker's Compensation temporary total disability (TTD) benefits. The City must coordinate TTD payments with the Workers' Compensation Administrator in order to ensure that the employee does not receive more than his/her usual pay. The method of coordinating the TTD payments with the employee's City pay may be found in Policy No. 4-011, Workers' Compensation, located in Section 4 on page 56 of this manual.

Wage Advances Prohibited

Salary or wage advances to employees are not allowed.

Payroll Direct Deposit and Optional Deductions

Employees may have their payroll check automatically deposited in their financial institution. Employees can sign up for this service at any time by notifying the payroll clerk in their department to obtain information on the procedure.

Social Security and Unemployment Compensation

All non-uniformed City employees are covered by Social Security and Arkansas Unemployment Compensation Insurance. Details concerning Social Security are available at the nearest Social Security Administration Office. Details concerning unemployment compensation are available at the nearest Arkansas Employment Security Division Office.

Pay Classifications

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

Certain positions within the North Little Rock Electric Department and all part-time, intermittent, temporary and seasonal positions are not assigned a specific pay grade. They are classified as "non-graded", (NG) and assigned specified amounts of compensation. The pay grade classification is shown on the payroll roster as "NG."

Department head and some professional/administrative/technical salaries are designated as "negotiable". They are also shown on the payroll roster records as "NG". Salaries of such positions are established by negotiation between the applicant and the department head according to the job's requirements and the requirements of similar positions within the City's work force or in similar jurisdictions, and within the appropriate labor markets. All such salaries must be approved in advance by the Mayor.

The job description for each job includes, among other things, the essential functions of the job, the knowledge, skill and ability required to perform the job, and the minimum qualifications required to be considered for employment. Job analysis and job audits are conducted periodically by the Human Resources Department to maintain up-to-date job descriptions. The Human Resources Department is responsible for maintaining a central file of all current job descriptions and for ensuring that all positions have a job description. Department heads are responsible for reviewing and approving job descriptions for their departments.

Questions regarding individual positions and their classifications, pay grade and salaries should be directed to the department head.

Position Classifications

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

- Full-Time Regular – Employees who work a full-time, forty-hour work week on a regular basis. Such employees include both Civil Service and non-Civil Service classified positions. Salary classifications include graded, non-graded, and negotiable (i.e., department heads, elected official's appointed staff employees, and some professional, and technical).
- Part-Time Regular - Employees who work less than thirty-six hours per week on a regular basis. Salary classification is non-graded.
- Intermittent/Temporary - Employees who work on an "as-needed" basis, either part-time or full-time, temporarily or seasonally. Salary classification is non-graded.
- Contract - Individuals whose professional expertise is contracted for by the City to manage certain Parks and Recreational facilities. These individuals may be either full-time or part-time, depending upon the contract. Classification as an independent contractor or as employee and the terms, conditions and benefits each receives are negotiated in each individual contract.
- Emergency Hire - Employees who are engaged to work for a temporary period not to exceed sixty 60 working days or 480 working hours to work on a special project, or to fill a vacant position while the selection process is conducted, or to replace an employee temporarily on leave of absence. Such employees may work a full-time, part-time or an intermittent schedule. The employees may be hired by the City or assigned by a temporary employment agency. An employee assigned from an agency is paid by the agency and considered an employee of the agency. Salary classification for those hired by the City is non-graded.

Employees in positions classified as part-time, intermittent, or temporary emergency hire are not eligible for City benefits and do not accrue seniority. Such employees are employed only on an as-needed basis. The individuals in these positions are not eligible to compete for promotional opportunities posted as "interdepartmental" that are reserved for full-time, regular Civil Service classified employees. They may, however, apply for any posted entry-level city positions for which they qualify. An emergency-hire temporary employee, whether hired by the City or assigned through a temporary agency, must compete on the same basis as all other applicants for any position for which they may apply. The experience gained in a temporary emergency hire position shall not be credited in a selection process involving the same or similar position and department in which an individual served as an emergency hire temporary employee unless the emergency hire or temporary employee was hired subsequent to the City's normal competitive recruiting and selection process.

HOURS OF WORK

Normal Work Periods

The City's normal work week is forty (40) hours. The work week commences at 12:01 a.m. on Saturday morning and ends at 12:00 Midnight on Friday. The standard work day is eight (8) hours for non-exempt employees. General office hours are from 8:00 to 4:30 p.m. Starting and ending times and work days may vary within departments and office locations, and from season to season. The City reserves the right to adjust and change hours of work, days of work, and individual work schedules with or without notice in order to fulfill the responsibilities of providing required and efficient service to the public. Except in cases where it is not possible or practical to do so, every effort will be made to give employees reasonable advance notice.

Meal Periods and Other Breaks

The department head or supervisor may establish unpaid meal breaks and other types of rest breaks per regular shift or work day for non-exempt employees consistent with departmental needs and to maintain an efficient workplace. Whenever possible, meal breaks should be scheduled in the middle of the shift unless emergency conditions exist. Rest periods or breaks of less than 30 minutes for non-exempt employees are to be counted as hours worked.

In some departments, the work responsibilities and staffing requirements may not allow for a meal break or other type of break. In such cases, non-exempt employees must be paid for all hours worked when they do not receive a break during the work day.

Scheduling of Extra Work Hours

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

Public Accountability Principles

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

Recording Hours Worked

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

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

Time Clocks

Employees in departments with time clocks for recording work hours are required to clock in and out personally and follow any applicable departmental rules.

On-Call Time

On-call time is defined as the occasion when the non-exempt employee must remain available to be called back to work on short notice if the need arises. Employees whose measure of freedom while on call is not unreasonably restricted, i.e., they are not

required to remain on the employer's premises but are merely required to leave word at their home or with company officials where they may be reached, or are required to wear a beeper, are not working while on call for purposes of compensation. Minor restrictions on this freedom do not trigger compensation requirements.

Authorization Required for Non-Exempt Employees to Start Work Early or Work After Regular Hours.
Non-exempt employees shall not be permitted to report to work early or stay late without prior knowledge and approval from the department head or the department head's authorized designate.

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

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

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

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

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

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

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

Departmental Responsibility
A full explanation of the reason for all hours worked in excess of 40 in the work week by a non-exempt employee shall be provided in writing by the department head on the bi-weekly time sheet. If insufficient space exists on the time sheet, a separate sheet of paper is to be attached to the time sheet.

Written Report Required for Excess Overtime Hours
A separate overtime report must be attached to the bi-weekly time sheets anytime overtime is accumulated by any one employee in excess of 20 hours during that pay period.

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

COMPENSATION FOR EMERGENCY AND OTHER SPECIAL WORK REQUIREMENTS

Call-Outs - Less than Full Shift

An off-duty non-exempt employee who is called to work for an unscheduled period of time which is less than a full shift shall receive, at the regular rate of pay, a minimum of 3 hours of pay, or the hours actually worked, whichever is greater. This provision does not apply to those employees who remain at work beyond normal working hours.

Call-Outs - Full Shift

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

Periods of Emergency and other Special, Non-routine Work Requirements

Upon recommendation of the department head and approval of the Mayor, a non-exempt employee who is called to work, or required to remain at work, during an emergency or other special, non-routine work requirement (as defined below), and who works in excess of eight hours in any one 24-hour period, will receive in wages one and one-half times their regular rate of pay for those hours actually worked in excess of 8 hours. In departments providing overtime compensation in the form of compensatory time off, the employee will be compensated at the rate of one and one-half the number of hours worked in excess of 8 hours in any one 24-hour period.

An emergency or special work requirement for purposes of the above policy includes, but is not limited to, storm damage, ice, snow, flood, fire, explosion, riot, major hydro-outages, major power outages, special events, special projects, and any other special circumstance to warrant application of this policy that is recommended by the department head and approved by the Mayor.

OVERTIME COMPENSATION

Overtime Defined

Overtime is defined as the number of hours actually worked by non-exempt employees in excess of forty (40) hours within the established 7-day, 40-hour work week.

Work Week Defined

The work week is defined as the 40 hours within the 7-day work period that begins at 12:01 a.m., Saturday and ends at 12:00 p.m. Friday.

Fair Labor Standards Act (FLSA) Classifications

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

- Non-Covered. Positions not covered by the FLSA. They include elected officials and appointed employees on elected officials' personal staffs, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners, and certain trainees.
- Nonexempt. Positions for which compensation is based on an hourly basis are covered by the provisions of the FLSA. Employees in non-exempt positions are eligible to receive overtime compensation at the rate of one and one-half times all hours actually worked in excess of 40 in the established work week. Compensation for overtime hours may be provided either in wages at an hourly rate of 1-1/2 times the employee's regular hourly rate of pay, or by compensatory time off at a rate of 1-1/2 hours times the number of hours over 40 in the established work week described in Policy No. 4-002, Hours of Work, located in Section 4 on page 42 of this policy manual.
- Exempt. Positions may be classified as exempt from the overtime requirements of the FLSA if the compensation is paid on a salary basis of not less than $23,660 per year and the duties performed in the position meet the minimum tests related to the primary job duties for bona-fide executive, professional, or administrative positions as defined by the Fair Labor Standards Act. These are positions covered by the FLSA, but exempted from the overtime provisions. A job title alone is insufficient to establish the exempt status of an employee. The status must be determined on the basis of whether the employee's salary and duties meet the current requirements of the FLSA regulations. Employees in positions classified as exempt must customarily and regularly perform exempt duties. Certain seasonal recreational employees can also be considered exempt, depending on the position and location. Exempt positions are classified by the Human Resources Department using FLSA definitions.

Circumstances in Which the City May Make Deductions from Exempt Employee's Pay

Exempt employees' salaries 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 week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work. The City is not required to pay exempt employees' full salary in the initial or terminal week of employment, or for weeks in which they take unpaid leave under the Family and Medical Leave Act.

The City's pay and paid leave benefits system was established by ordinance, policy and practice pursuant to principles of public accountability. Absences of less than one work day for personal reasons or because of illness or injury will be considered leave without pay that may be deducted from exempt employees' salaries if accrued paid leave is unavailable or not used by an employee because:-

- permission for its use has not been sought or has been sought and denied;
- accrued leave has been exhausted; or
- the employee chooses to use leave without pay.

If accrued paid leave has been exhausted, deductions from pay are permissible for absences of one or more full days

- to offset amounts employees receive as jury or witness fees;
- to offset amounts employees receive as military pay;
- for penalties imposed in good faith for infractions of safety rules of major significance; or
- for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Any other wage deduction from the salaries of exempt employees is improper and prohibited.

Complaint Procedure

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

Method of Overtime Compensation

Non-exempt employees shall be compensated for all hours actually worked in excess of 40 within the 7-day work week either in compensatory time off (CTO) at 1-1/2 times the number of hours actually worked in excess of 40, or in wages at 1-1/2 times the regular rate of pay.

Payment of Overtime Wages

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

Compensatory Time Off

Only non-exempt employees are eligible for compensatory time off at 1-1/2 times the number of overtime hours. Compensatory time off may be accrued to a maximum accumulation of 240 hours. After accumulation of the maximum number of hours of compensatory time off, such employees shall thereafter be compensated for overtime in wages at 1-1/2 times the regular rate of pay until such time as the accumulated compensatory time off is reduced below the maximum accumulation allowable.

Use of Accrued Compensatory Time Off

Non-exempt employees shall be permitted to use accumulated compensatory time off within a reasonable period after it is requested if to do so would not unduly disrupt operations of the department. Such compensatory time off shall not be counted as hours worked within the work period in which it is taken.

Final Payment for Accrued Compensatory Time Off

Upon separation from employment, payment for accumulated compensatory time off shall be calculated at 1-1/2 times the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the non-exempt employee, whichever is higher.

Absences Within the Work Week

Any hours not actually worked, including those charged to Sick Leave, Annual Leave, Personal Leave, Emergency Leave, Compensatory Time Off, or other leave taken within the 7-day work week, shall not be counted as hours worked during that work period.

Exceptions

- Holidays shall be included in the number of hours actually worked within the work week in which the holiday occurs except for Public Safety Dispatchers who are under a separate policy.
- Subject to prior approval of the Mayor Pursuant to Policy No. 4-003, a non-exempt employee who is called to work or required to remain at work during an emergency or other special, non-routine work requirement and who works in excess of 8 hours in any one 24-hour period at the direction of the department head or his authorized designate will receive 1-1/2 times their regular rate of pay for those hours actually worked in excess of 8 hours in the 24-hour period. In departments

providing overtime compensation in the form of compensatory time off, the employee will be compensated in compensatory time off hours at the rate of 1-1/2 times the number of hours worked in excess of 8 hours in any one 24-hour period.

- Authorization for such overtime shall be upon recommendation of the department head and approval of the Mayor or his designee, and is to be limited to situations defined in Policy No. 4-003. Copies of department head recommendations must be attached to the time sheets for the period in question when submitted to the Finance Department for payment..

Unauthorized Work Hours
Employees shall not begin work before starting time, or fail to take a meal period, or remain at work beyond normal working hours, or report for work when not scheduled to work unless specific authorization has been made by the Department head or supervisor prior to the work.

Responsibility to Control Overtime
To contain costs, department heads are responsible for monitoring and controlling the working hours of non-exempt employees to avoid unnecessary accrual of compensatory time off or payment of overtime wages.

In order to accomplish this, an employee may be directed to take off from work within the work week an amount of time that is equivalent to any extra hours worked in any one or more days during that same work week, so the total number of hours actually worked in that week does not exceed 40.

Seasonal Exemptions from Overtime Compensation
Certain seasonal recreational employees are exempt from eligibility for overtime pay pursuant to the Fair Labor Standards Act. However, upon recommendation of the department head and approval of the Mayor, such employees may be granted overtime compensation.

HOLIDAY COMPENSATION

Eligible Employees
Only full-time, regular employees are eligible for paid holidays.

Eligibility Requirements
In order to be eligible for time off with pay on a scheduled holiday, employees are required to work their regularly-scheduled hours the workday preceding and the workday following the holiday unless authorized leave has been previously scheduled, or a legitimate medical or other emergency beyond the employee's control prevents it. In order to verify the need for the absence, employees may be required to provide written or other verification of such emergency. An approved vacation day or any other excused and paid day off that occurs immediately prior to or following a holiday is considered a day worked for purposes of eligibility to receive the holiday pay.

City Holidays
At the present time, the following are the official City Holidays.

New Year's Day - January 1
Dr. Martin Luther King, Jr.,/Robert E. Lee's Birthday - 3rd Monday in January
George Washington's Birthday - 3rd Monday in February
Memorial Day - Last Monday in May
Independence Day - July 4
Labor Day - First Monday in September
Veterans Day - November 11
Thanksgiving Day - Fourth Thursday in November
Day following Thanksgiving Day
Christmas Eve - December 24
Christmas Day - December 25

Holidays on Saturday or Sunday
Holidays occurring on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. Departments receive official notification prior to the beginning of each calendar year of the actual dates on which each of these holidays is observed during the upcoming year.

Compensation for Working on Holidays
Full-time, regular non-exempt employees scheduled to work on holidays, shall be compensated at the rate of one and one-half (1-1/2) times their regular rate of pay for the actual number of hours worked plus the pay for the holiday.

Public Safety Dispatchers
Public Safety Dispatchers who work on holidays shall receive compensation for actual hours worked plus pay for the holiday.

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

If a holiday falls on an employee's regularly-scheduled day off, the employee will be given equivalent time off.

DIFFERENTIAL PAY

City employees, except acting department heads, may be eligible for differential pay provided the qualification standards described below are met.

To qualify for differential pay, an employee must work in the higher-paying position the minimum amount of time and perform the duties as indicated below:

(a) Employees assigned to work in a classification with a higher rate of pay, or in a position greater responsibility for a period of time in excess of 5 consecutive working days, may receive differential pay at the minimum rate of pay for the higher classification. If the employee's current pay exceeds the minimum rate of the higher classification, the differential will be 5% more than the employee's current salary. Differential pay will begin on the 6th work day of the assignment. Differential pay for serving as acting department head will be established at the discretion of the Mayor. Upon the department head's written verification that an employee has satisfactorily served a period of 10 work days in a classification with a higher rate of pay, the 5 consecutive days qualification requirement for awarding of differential pay for future assignments in that same position will not be required and the employee will be paid differential pay from the first day of service in that position.

(b) To receive differential pay, an employee working in a higher-classified position must perform a majority of the duties of the higher-classified position that are substantially different from his/her own regular duties and be held accountable for performance of the duties in the same manner that a newly-hired or assigned regular employee would be held accountable in performing the duties of the higher-classified position.

Out-of-classification assignments may represent learning or training opportunities and shall be awarded in as fair and non-discriminatory manner as possible, taking into consideration the minimum qualifications necessary to perform the duties of the assignment based on the pre-identified knowledge, skills and abilities required. If all qualifications are equal, seniority among those should be the determining factor.

Records should be kept by the department head for out-of-classification work assignments that may represent such learning or training opportunities. The written documentation shall include but not be limited to: a description of the out-of-classification work assignment, whether or not the assignment was posted competitively, the criteria for selection, the employee's name, job title, type of work assignment, date the assignment began and ended, equipment or vehicles required to be operated on the work assignment that differs from the employee's usual job requirements, and whether or not the employee satisfactorily performed the duties of the work assignment. Such documentation should be forwarded to the Human Resources Department and may be used as one of the factors in selection for other positions in the future.

No employee may be assigned duties drawing differential pay in a position replacing an existing incumbent employee who is available for work, unless the incumbent employee has been temporarily assigned to another comparable assignment due to extraordinary work requirements or other emergency situation.

Exceptions

The differential pay provisions of this section shall not apply to employees participating in a formal training program, for example, apprentice lineman, etc.

SALARY INCREASES

There are ordinarily three main types of salary increases for full-time, regular non-uniformed employees: percentage "step-in-grade" increases within a pay grade or where there have been steps included in certain non-graded position classifications, reclassification increases, and promotional increases. Other periodic increases may be authorized by the City Council. Differences in pay that occur among employees of the same job title and classification are usually because of differences in number of years of service and number of promotions or reclassifications of certain individual employees.

Step-In-Grade Increases

Incremental percentage increases within the minimum and maximum range of salaries within a pay grade are commonly called "step-in-grade" increases. Step-in-grade increases for positions in the graded classification system usually occur following the successful completion of one year and annually thereafter on the anniversary date of the employee. Increases for positions in the non-graded Electric Department positions with only two steps in the pay range ordinarily occur following the successful completion of one year in the position or successful completion of required training or apprenticeship.

Eligibility for Step- In- Grade Increases

"Step" increases are limited to those employees holding full-time, regular positions within the graded pay classification system and the non-graded Electric Department positions having two or more steps between the minimum and maximum pay. These increases are not automatic, but instead are conditioned on satisfactory performance, attendance, and conduct, and must be recommended and approved by the department head. Designated and medically-verified FMLA leave is not to be a factor when calculating attendance records.

Exceptions

Occasionally because of difficulty in recruitment or other business considerations, employees may be hired at a step exceeding the minimum of the pay grade schedule for the position.

Limitations on Amount of Increases

No employee's salary may be set outside a step established for the position in the pay grade or pay schedule.

Reclassification Increase

Full-time, regular employees may be recommended for a reclassification to a higher pay grade and/or higher classified job title only if they have assumed significant additional responsibilities, or are not properly classified in comparison to other employees with like duties and responsibilities. In such cases, the department head may request a job analysis or audit by the Human Resources Department or the Human Resources Department may require one. Reclassification of any employee is limited to one time, one grade and one title higher than the current grade and title. The job analysis or audit must show that the reclassification is warranted by objective criteria. Reclassifications must be recommended in writing by the Human Resources Director and Finance Director and approved by the Mayor.

Employees in positions approved for reclassification receive the minimum salary of the new pay grade or are placed in the lowest step that provides at least a 5% pay increase, whichever is greater. Such increase shall not raise the employee's pay beyond the maximum of the pay or pay grade for the new position.

The date of reclassification becomes the new anniversary date only for purposes of eligibility for future step pay increases and for time-in rank purposes.

Promotional Increase

Upon promotion to a regular, full-time position that is classified higher than the employee's current position, the employee will receive the minimum salary of the new position or the salary of the lowest step that provides at least a 10% increase from the employee's current salary, whichever is greater. Such increase shall not raise the employee's pay beyond the maximum of the pay or pay grade of the new position.

The date of promotion becomes the employee's new anniversary date only for purposes of eligibility for future step pay increases and for time-in-rank purposes.

Other Increases

Periodic pay increases may be granted from time to time by the City Council at its discretion. Such increases may be added by the City Council to the minimum and/or maximum of the pay grades within the pay classification system.

LONGEVITY PAY

Eligibility

At the present time, all full-time, regular employees, with the exception of department heads, receive a longevity bonus of five dollars $5.25 per month for each year of actual service. Longevity increases are granted on the anniversary of the employee's date of hire.

TRAVEL

Authorization

Employees must receive permission from their department head to travel before any business travel is undertaken. Employees should submit their travel request at least ten (10) days prior to departure and obtain their department head's authorization for the trip.

The request must contain the following information

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

Arrangements

Whenever possible, travel should be made via common carrier or a City vehicle. Employees are responsible for making their own travel arrangements, including airline tickets, hotel reservations, and rental cars. All travel arrangements must be approved in advance by the department head.

Advances

Employees who are required to travel overnight may obtain a travel advance. An employee desiring a travel advance must request it on the form provided for that purpose as far in advance as possible in order to ensure time to process the request before the travel commences. Amounts requested will be reviewed for reasonableness. The forms may be obtained from the department head or the Finance Department.

Documentation Requirements

Documentary evidence, such as receipts or paid invoices is required for all expenses that exceed $25.00. A written explanation is required prior to reimbursement for expenses that appear to exceed ordinary levels.

Lodging

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

Meals

Meals will be reimbursed according to the per diem schedule established by the Finance Department. Tips are included in the per diem. Drinks and snacks between meals will not be reimbursed.

Entertainment

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

Taxis and Car Services

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

Rental Cars

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

Telephone Charges

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

Mileage
Personal car mileage will be reimbursed at the rate allowed by IRS regulations for business purposes. The amount reimbursed will not exceed the equivalent common carrier fare or the cost of renting a car. Any fines incurred as a result of driving or parking violations while on City business will not be reimbursed.

Automobile Tolls and Parking
Automobile tolls and parking expenses incurred for business purposes will be reimbursed. Long-term parking at all airports should be used due to the expense of short-term parking.

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

MEMBERSHIP IN PROFESSIONAL AND CIVIC ORGANIZATIONS

If recommended and approved by the department head, the City will pay:

- 100% of the annual membership fee required for an employee to belong to a **job-related** professional organization, if the membership benefits the City.
- 100% of the fee required for employees to maintain a professional certification directly related to the position.

If membership is not job-related, but is considered by the department head to be beneficial to a department, or to the City, the department head may recommend that the employee's dues or fees be paid by the City.

Expenses and fees connected with attending periodic meetings and seminars sponsored by the professional organizations may be reimbursable with department head approval and recommendation.

WORKER'S COMPENSATION BENEFITS

Pursuant to Arkansas Statutes, employees are provided with worker's compensation benefits for injuries or illnesses that occur while on duty. Accumulated sick leave benefits shall not be used to provide any compensation during absences caused by on-the-job injuries or illnesses.

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

Responsibility for Workers Compensation Claims Paperwork.
Stronger focus needs to be given to issues relating to worker's compensation claims. Department heads will be responsible for seeing that all necessary paperwork relating to work related injuries and vehicle/equipment accidents are properly completed and submitted in a timely manner. It will also be the responsibility of the respective department head to see that any time a city vehicle is involved in an accident, a policy officer is dispatched and a police report is completed and filed. Each department head will initial all reports generated hereby which will represent that they have reviewed and confirmed the accuracy and timeliness of the same. (EXECUTIVE ORDER 2006-001, issued 5/26/06)

Supplemental Compensation
The City provides supplemental pay when an employee is receiving TTD benefits, and is incapacitated and unable to work.

Supplemental compensation will be limited to a maximum of 104 weeks during the period of employment with the City, regardless of the number of work-related injuries or illnesses. Once 104 weeks of supplemental payment has been paid to an employee, subsequent compensation for work-related injuries or illnesses shall be limited to the statutory Worker's Compensation benefits.

If the City's W. C. Administrator terminates payment of the TTD payments, the City's supplemental pay will likewise end effective the same date the TTD benefits end.

Worker's Compensation Temporary Total Disability (TTD) Payments
TTD payments and City paychecks for the same time periods are coordinated between the Workers' Compensation Benefits Administrator and the Finance Department. The method of coordinating this benefit is as follows:

> *The City's Worker's Compensation Administrator sends the TTD benefit check to the City's Finance Department. The Finance Department then subtracts the amount of the TTD benefit check from the amount of the employee's usual gross City pay and calculates taxes on the difference. They then issue an adjusted paycheck and forward both checks to the employee.*

If the Worker's Compensation Administrator erroneously sends the TTD wage benefit check directly to the employee, the employee is required to immediately contact their department payroll clerk **and** the payroll accounting clerk in the Finance Department (975-8805) so that the employee's City paycheck can be adjusted accordingly. Employees violating this requirement by cashing both checks are subject to having payments deducted from their pay until the City is reimbursed for the amount due, and may be subject to disciplinary action.

FMLA Leave Entitlements and Worker's Compensation
Temporary Total Disability (TTD) Compensation provided by the City's Workers' Compensation administrator and the City's supplemental TTD payments will substitute and be charged concurrently with unpaid FMLA leave for on-the-job injuries or illnesses that are FMLA-qualifying. If the City's W. C. Administrator terminates payment of the TTD payments, the City's supplemental pay will likewise end effective the same date the TTD benefits end. The remainder of the FMLA entitlement, if any, will be unpaid unless the employee is eligible for other paid leave benefits.

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

Employees released with temporary work restrictions may be eligible for temporary modified or light duty assignment pursuant to the City's Temporary Light Duty Program, depending on availability and suitability. Suitability means job duties that the employee is qualified to perform and which can be performed within the permissible temporary work restrictions prescribed by the medical provider.

Refusal to Accept Temporary Light Duty

Refusals of offers of suitable, available temporary modified or light duty assignments are required to be reported to the W.C. Administrator. A decision as to whether or not the employee may receive or continue to receive total temporary disability compensation will be made by the W. C. Administrator. If the Administrator determines that the TTD payments should be terminated, the City's supplemental TTD payments will also end.

Exception: If the employee's absences have been previously designated as FMLA qualifying, the employee may decline returning to work to temporary modified or light duty assignment. However, the employee's refusal will be also reported to the City's W.C. Administrator as described above. If W.C. TTD benefits are suspended by the W.C. Administrator, the City's supplemental TTD benefits will also end and the remainder of the FMLA leave, if any, will be unpaid unless the employee is eligible for other paid leave benefits.

Follow-Up Treatment during Working Hours

Employees requiring the services of a medical provider as a result of job-related injury or illness shall be permitted, if necessary, to schedule such services during regular work hours and shall not have such time charged against their accumulated sick leave. Such absences shall be charged to Workers' Compensation on the leave record. Employees shall be required to furnish, upon return to work, written certification from a licensed medical provider that said examination or treatment was related to a previous job-related injury or illness, and that the employee's hours of absence were due to the treatment or other services.

Return to Work Medical Statements

Employees returning to work after medical leave in excess of three or more work days must provide a statement from the medical provider in a form approved by the City indicating the employee may return to full duty. If the employee requests temporary light duty and insufficient information concerning work restrictions is provided on the medical statement, the employee may be required to provide a medical authorization to allow the City's medical provider to contact the employee's medical provider to seek clarification of the employee's fitness for duty. Return to work medical statements should contain the following information:

- Date(s) employee was under the doctor's care and unable to work
- Physician/medical provider name, clinic name, street address, city, state, zip code, phone and FAX numbers
- Original signature of physician/medical provider
- If employee is requesting less than full duty,
  - complete list of work restrictions
  - whether work restrictions are temporary or permanent
  - date expected to be able to return to full duty

Job-Related Fitness for Duty Physicals

If there is reason to believe an employee can no longer perform his/her job duties, the City or its W.C. Administrator, may require, at no expense to the employee, a job-related physical examination to determine the employee's ability to perform the essential functions of his/her job.

The W.C. Administrator or the City, at its discretion, may allow the employee to be examined by the employee's treating medical provider or may require the employee be examined and evaluated by a medical provider of the W.C. Administrator's or City's choice.

Should there be a difference in findings between those of the employee's personal medical provider and the City's medical provider, the City or the W.C. Administrator may request a third opinion prior to making any decision regarding the employee's ability to perform the essential functions of the position.

The third medical provider will be selected by the employee's medical provider and the City's medical provider. The majority's findings shall be decisive.

Failure to Return to Work
Following administrative review of the medical opinion(s), if it is determined that the employee is able to return to full duty, a date will be set for the employee to return to work. Failure to return to work by an employee after having been medically released to do so may result in discharge.

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

Generally, the Human Resources Director (or authorized designate) will review the medical documentation, the employee's personnel file, the employee's qualifications, and any other pertinent information, and will schedule a meeting with the employee and the department head and/or supervisor to discuss options for continued employment. If sufficient medical information is not present with which to make a valid determination, an additional medical examination or medical records may be requested. The employee may also be required to provide a release to allow the City's medical provider to obtain information from the employee's medical provider if necessary to make a determination.

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

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

TEMPORARY LIGHT DUTY PROGRAM

The City recognizes that employees may occasionally be temporarily unable to perform one or more of the essential or non-essential functions of their positions because of temporary work restrictions. In each instance, the City desires to return employees to work as quickly as possible. The City provides a temporary light duty (TLD) program to provide the opportunity for maximum healing to occur, and for the employee to temporarily work in a suitable temporary light duty assignment when they are released to return to work with temporary work restrictions.

Definitions

Essential Functions. The fundamental duties and responsibilities of a position as stated in the job description, i.e., the position exists to perform these functions. Essential functions do not include those identified in the job description as non-essential.

Temporary Light Duty. Temporary work assigned during recovery from temporary work restrictions that prevent employees from performing one or more of the essential functions of their jobs.

Temporary Modified Duty. Temporary modification, elimination, or reassignment of one or more of the non-essential function(s) of the employee's position that enables the employee to fulfill the fundamental responsibilities of the position. Temporary modified duty does not include eliminating the essential functions and responsibilities of the position.

Temporary Light or Modified Duty Opportunities. Opportunities for temporary work in each department that has been identified in advance by the department heads and submitted to the Human Resources Department as being available from time to time that may be suitable for an employee with temporary work restrictions

Temporary Light or Modified Duty Assignment. Assignment to a temporary light duty opportunity or temporary modified duty. Such assignments may be made within the employee's department or in another department.

Intent and Limitations

Temporary modified or light duty is intended to last temporarily and only for the minimum amount of time necessary to enable an employee to reach maximum healing and return to full duty.

Temporary modified or light duty is approved on an individual basis, subject to availability and suitability. The type of temporary duty is determined by the department head or immediate supervisor, depending on the requirements of the department, the work restrictions or limitations imposed by the medical provider, and the employee's abilities and qualifications. Temporary modified or light duty may include a reduced or intermittent work schedule.

Temporary modified or light duty may be denied for reasons including, but not limited to, those listed below.

- Lack of availability
- Lack of suitability within work restrictions or safety concerns
- Lack of required minimum qualifications for any available temporary modified or light duty opportunity.

Temporary light duty may not be assigned, reassigned, or continued if:

- work restrictions are, or become, permanent, or
- the medical provider is unable to provide a date when the employee could reasonably be expected to return to full duty once the maximum time limit has been reached.

Temporary modified or light duty may be granted for an initial period of up to ninety (90) calendar days. If the employee is unable to return to full duty at the end of the initial period, an additional ninety (90) calendar days may be requested and approved if accompanied by a medical provider's statement that the employee's work restrictions remain temporary, and that the employee is expected to be able to return to full duty within a reasonable period of time.

Temporary light duty is not intended to exceed a maximum of one hundred eighty (180) calendar days, intermittently or consecutively. However, in extraordinary circumstances, where full recovery and a return to full duty are expected within a reasonable additional amount of time, requests for an extension of time beyond the maximum limit may be considered. Such

requests must be accompanied by an updated medical evaluation that includes a date the employee may reasonably be expected to return to full duty. Requests for additional amounts of time beyond the one hundred eighty (180) days will be considered on an individual, case-by-case basis and will not be granted if the amount of time is indefinite or unreasonable.

If an employee's work restrictions are determined to be permanent or the medical provider cannot reasonably predict a date to return to full duty, or the amount of additional time requested is unreasonable, the employee will no longer be eligible for the temporary modified or light duty program. Available options that would allow the employee to continue employment with the City, if any, will be discussed with the employee before any action is taken. If none are available within the employee's work restrictions and/or qualifications, it will be necessary to terminate employment.

Temporary Light Duty Opportunities

Temporary light duty assignments are not created for individual employees as the need arises. Except for temporary job modification of one or more of the employee's regular job duties, temporary light duty opportunities in each department must be identified and listed in advance with the Human Resources Department. The need for such temporary work in any given department is subject to change from time to time, depending on the ever-changing needs of departments. The Human Resources Department should be notified and kept current of all such changes so that an up-to-date list of temporary light duty opportunities in all City departments can be maintained.

Temporary light duty opportunities may include, but are not limited to: filling in for absent employees, assisting in a department that is temporarily shorthanded, assisting on special projects, or providing other temporary services.

Procedure for Assigning Temporary Light Duty

The employee is required to provide to the department head (or authorized designate) a signed and completed medical release describing the temporary work restrictions and their expected duration before being approved to return to work with temporary restrictions.

The temporary work restrictions will be reviewed to determine whether or not suitable temporary modified or duty is available.

A determination will be made as to whether the employee can be provided modified duty or an available, temporary light duty opportunity within the employee's department. If neither of these options is feasible, assignment to an available temporary light duty opportunity within another department may be considered, conditioned on availability, suitability, and the mutual agreement of both department heads (or their authorized designates) and the Human Resources Director.

If temporary light duty is not possible, temporary light duty will not be approved. The employee may use any available paid leave that he is eligible to use under the circumstances. For example, if the condition is work-related, sick leave may not be used. Workers' Compensation is the sole remedy for on-the-job injuries.

Acknowledgement of Program Requirements

The employee is required to read the requirements of the Temporary Light Duty Program and agree to abide by them before being approved for temporary modified or light duty. A form to document this agreement must be signed and dated by the employee and forwarded to the Human Resources Department to be placed in the employee's confidential medical file. Employees violating the requirements of the Program may lose eligibility for temporary modified or light duty. **(Agreement Forms are available in the Human Resources Department.)**

Required Work Status Information

Employees who request temporary light duty must provide a medical provider statement that includes the following information before temporary light duty can be approved. **(A form meeting this requirement may be obtained from the employee's department or the Human Resources Department.)**

- Date(s) employee was under the doctor's care and unable to work
- Complete list of work restrictions
- Whether work restrictions are temporary or permanent
- Date employee can reasonably be expected to return to full duty
- Physician/medical provider name, clinic name, street address, city, state, zip code, phone and FAX numbers AND original signature of physician/medical provider.

Follow-Up Medical Provider Statements
The employee is responsible for supplying follow-up medical status reports of work restrictions to the Department Head no later than one week prior to the date of expiration of a period of temporary light duty. A decision to extend temporary light duty will be based upon the updated medical evaluation. Without extenuating circumstances beyond the employee's control, failure to meet the deadline for submitting required updated medical evaluation(s) may be cause for revocation of temporary light duty privileges and appropriate administrative action as necessary, including discharge.

Job-Related Medical Evaluations
Employees may be required to visit a medical provider designated by the City if a job-related medical evaluation is necessary to determine whether or not the employee can perform the essential functions of his or her job.

Authorizations to Release Job-Related Medical Information
If it is necessary for the City's medical provider to obtain clarification from the employee's medical provider as to the employee's work restrictions or ability to perform the essential functions of the job, employees will be requested to furnish the City's medical provider with a signed authorization to release information. Failure to comply may result in the City's inability to make a determination as to whether or not to continued employment is feasible.

Reduced or Intermittent Work Schedule
Temporary light or modified duty may include a reduced or intermittent work schedule.

If the employee is released to work by the medical provider for less than a regular work week, the employee will receive wages only for hours actually worked. Accrued paid leave for which the employee is eligible will be charged rather than docking the employee's pay for hours absent. If the condition is work-related, accrued paid sick leave shall not be used for absences.

The City's request(s) for medical documentation or change in status reports may be subject to the FMLA if an employee is utilizing intermittent or reduced-schedule FMLA leave while assigned to temporary light duty.

FMLA Provisions
During FMLA leave an employee may elect to decline an offer of temporary light duty in order to remain on FMLA leave until the FMLA entitlement ends or the employee is returned to full duty whichever comes first.

In such cases, paid sick leave benefits will end since they are limited to absences caused by the employee's incapacity and inability to work. Available paid discretionary or annual leave will then be substituted and charged concurrently with the remaining FMLA leave. When this leave is depleted, the remainder (if any) of the FMLA leave entitlement shall be unpaid.

If the employee has been receiving Worker's Compensation TTD payments, the employee's refusal to accept temporary light duty is required to be reported to the W.C. Administrator. The employee's eligibility to continue to receive the TTD compensation will be determined by the W.C. Administrator. If the employee's TTD compensation is terminated, the City's supplemental TTD payments will also end and the remainder of the employee's FMLA leave will be unpaid unless the employee has available discretionary or annual leave benefits to apply. When this leave is depleted, the remainder (if any) of the FMLA leave entitlement shall be unpaid.

Change of Status
Employees are required to notify their immediate supervisor of any change in their medical or work restriction status during the term of the temporary light duty, including a release to full duty, and must provide written verification from the medical provider of the change.

Assigned Supervisors
A different supervisor may be assigned to employees during periods of temporary light duty. Employees will be advised of the new supervisor at the time of the assignment. The supervisor has the authority and duty to issue instructions and orders to employees for the duration of the assignment.

Misrepresentations or Falsifications
Any misrepresentation, falsification, or other type of misconduct related to an employee's work status may result in revocation of the temporary light or modified duty assignment and subject the employee to disciplinary action, including discharge.

SECTION 5.

ADMINISTRATIVE POLICIES
AND
PROCEDURES

PERSONNEL FILES AND MEDICAL RECORDS

The City is required to keep accurate, up-to-date employment records on all employees to ensure compliance with state and federal regulations, to keep benefits information up-to-date, and to make certain that important mailings reach all employees. The Human Resources Department maintains a personnel file and a confidential medical file on all employees. The Safety Director maintains a Workers' Compensation Medical Claim File. The personnel files contain documentation regarding all aspects of an employee's work history with the City. These files are subject to inspection only by the Human Resources Director or department head (or authorized designate). Employees have the right to review their own files. Employees interested in reviewing their files, should contact the Human Resources Department or, if applicable, the Safety Director, to schedule an appointment in advance. If an employee desires copies of any material in his/her file, the charge per copy is fifty cents for the first copy, twenty-five cents for all additional copies, and must be paid to the Human Resources Department before the material is copied. Charges are subject to change by the Mayor without prior notification.

Required Information

Employees are required to provide a correct name, social security number, driver's license number (for those positions requiring driving a City vehicle or equipment), current home address, current marital status, number of dependents, beneficiary and proof of eligibility to work in the United States, ***and to promptly notify of any changes.*** If the employee has a home phone or personal cell phone, they must provide the number. If the employee has no home phone or cell phone, the employee must provide a message phone number. Numbers designated as unlisted will be kept strictly confidential. This information is to be submitted to the Finance Department by the department's payroll clerk on a payroll/personnel change document, with a copy provided to the Human Resources Department. A post office box number does not meet the requirements for providing a home address and home telephone number. In addition, employees are required to designate someone they wish the City to notify in case of emergency on the job or through whom they may be contacted when unreachable at their home address and phone number(s). To ensure that the personnel file is up-to-date at all times, the employee is required to notify the supervisor of any changes immediately.

Failure to comply with these requirements may result in disciplinary action, including discharge.

Confidentiality of Medical Information

Medical providers' statements are required to be kept confidential. The department head is required to forward all medical provider statements to the Human Resources Director in a sealed envelope marked "Confidential" for filing in the employee's confidential medical file. The Human Resources Department maintains confidential medical records files on each employee in accordance with federal law. These files are kept separate and apart from regular personnel files. All medical evaluations, including medical provider's statements, are maintained in this file. The Human Resources Director is custodian of those records and may disclose such confidential information only under the following circumstances:

Medical information may be disclosed only to an employee's immediate supervisor and department head and the Safety Director when necessary to convey information on work restrictions or necessary accommodations. The custodian of the records will not disclose an underlying medical condition, but only the necessary restrictions and/or appropriate accommodations.

Medical information may be disclosed to first aid and safety personnel. This will be done only in the event an employee has a physical or medical condition that might require emergency treatment, in which case the first aid and/or safety personnel would have a "need to know" the nature of a disability in order to provide the appropriate treatment.

Medical information may be disclosed to the City's legal counsel when necessary for legal purposes. (EXECUTIVE ORDER 2006-04 ISSUED 7/19/06)

Medical information may be disclosed to governmental officials investigating the employer's compliance with the Americans with Disabilities Act.

Department Files
Departments may keep departmental files that contain supervisor's notes, training records, and any other work-related information regarding employees. Medical records should not be kept in the individual departments unless absolutely necessary. However, if it is necessary to maintain medical files within a department, these records must be in a locked file in a locked and secure room and access must be limited to the employee's immediate supervisor, the department head and the person charged with filing the department head's records. It is preferred that all medical records or statements received by a supervisor or department head be forwarded to the Human Resources Department in a sealed envelope marked "confidential" for filing in the employee's confidential medical file.

Unauthorized Disclosure of Medical Information or Records
Unauthorized disclosure of an employee's medical information or record is prohibited and violations will be cause for disciplinary action, including discharge.

Freedom of Information (FOI) Requests
Note: The "Custodian of the Records" with regard to official City employee personnel files is the Human Resources Director. All FOI requests for personnel file records should be forwarded to the Human Resources Director for handling.

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

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

Releasing a Personnel Record
When an FOI request has been made for a personnel record, the Human Resources Director shall, within twenty-four (24) hours of the request, determine whether the records requested are exempt from disclosure and make efforts to the fullest extent possible to notify the person making the request and the employee of that decision. The Human Resources Director, the requesting party, or the employee may immediately seek an opinion of the Arkansas Attorney General who, within three working days of receipt of such request, shall issue an opinion stating whether the decision is consistent with the Act. The Human Resources Director shall not disclose the records until the Attorney General has issued his opinion. Employees who intend to seek an attorney general's opinion are required to provide to the Human Resources Director a copy of the request and a verification of receipt by the Attorney General's office that shows a date and time received by the Attorney General. Nothing in the law prevents the requesting party or the employee from seeking judicial review of the Human Resources Director's decision or the decision of the Attorney General.

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

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

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

Authority to Handle Requests for Information on Current or Former Employees
All inquiries about current or former employees or requests for references must be forwarded to the Human Resources Director for proper handling.

IDENTIFICATION CARDS & BADGES

In order to protect the safety and maintain the security of all employees, every employee is required to carry a picture identification card and to wear a picture identification badge at all times while on city property or on a city worksite. Employees are furnished identification (I.D.) cards and badges.

Loss or damage of the I.D. card and/or badge should be reported to the Human Resources Department immediately.

The I.D. card and badge are the property of the City and must be returned upon termination of employment.

Employees must not loan their badges to anyone, including other employees, nor should employees allow anyone to enter a secure city building or property that the employee does not know to be an employee of the City. Failure to observe these safety regulations could endanger the safety and security of all other employees and could subject the employee to corrective action up to, and including discharge.

The department head shall be responsible for ensuring that employees comply with this policy, for collecting the I.D. cards and badges of separating employees and for sending them to the Human Resources Department to be filed in the former employee's personnel file for record keeping purposes.

SMOKING AND TOBACCO USE

The health and safety of all employees is of great importance. Compliance with city ordinances, and state or federal occupational safety and health regulations concerning employees' exposure to smoke or fumes in the workplace is mandatory. Employees who do not smoke are entitled to a smoke-free work environment. As an employer, It is the City's responsibility to provide limitations on smoking while on or off duty, on city property to ensure that non-smokers suffer no injury from side-stream smoking or air pollution from tobacco products, and that all employees enjoy a healthy and comfortable working environment.

Smoking and the use of smokeless tobacco products is prohibited in City buildings, within twenty (20) feet of any entry/exit door of a City building or in City vehicles.

Employees shall not smoke or use smokeless tobacco products when interacting directly with citizens on official business.

Department heads may establish outdoor smoking areas. All materials for smoking in this area, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Department heads will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts or other smokeless tobacco materials are found on the ground), it can be eliminated at the discretion of management or other decision making body.

Definitions
The term, North Little Rock City buildings, shall be defined as those structures solely owned or leased by the City and exclusively occupied by North Little Rock City employees.

The term, North Little Rock City Vehicles, shall be defined as any vehicle owned, leased, or operated by the City

The term "smoking" shall mean a lighted cigar, cigarette, pipe or other lit/electronic vapor (e.g. e-cigarette) tobacco product.

The term smokeless tobacco shall include any tobacco product, chewing tobacco, skoal, snuff, etc be it chewed, dipped, or in any way placed in direct contact with the mouth.

Parks Facilities
Pursuant to Parks & Recreation Commission policy, smoking is also prohibited in outdoor athletic complexes.

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

Complaints regarding violations of this policy may be filed with the department head or with the Safety Director.

Department Head Responsibility
Department heads are responsible for ensuring compliance with this policy. As mentioned above, smoking must be confined to outdoor areas.

Complaints from employees regarding non-compliance with this policy are to be taken seriously as they may lead to on-the-job health-related problems. Corrective action is required if necessary to stop the exposure.

SOLICITATION

Solicitations by employees are not allowed while on duty.

Distribution of printed materials or literature of any nature shall be limited to non-work areas during off-duty time.

No unofficial or personal printed materials or literature shall be posted anywhere on official departmental bulletin boards containing legal or official notices and other employment related matters.

Solicitation and/or distribution of material on City property by persons not employed by the City are prohibited at all times.

BULLETIN BOARDS

The City utilizes departmental bulletin boards to communicate important business information to employees. Department heads are required to have a bulletin board in a centrally-located area at each work site within their department for posting federal and state law informational posters, vacant City position announcements, written departmental rules and regulations and other essential and timely employment related information to be communicated to employees. The departmental bulletin boards provided to inform employees on employment matters must not be used for other purposes. Employees are not permitted to post personal notices or other material on these bulletin boards.

Required Legal Notices
Legal notices required by law to be posted on a bulletin board at each work site are:

- Equal Employment Opportunity Laws
- Workers Compensation Laws
- Federal Minimum Wage Act
- Polygraph Act
- Americans With Disabilities Act
- Chemical Right to Know Act
- Safety Posters required by the Arkansas Department of Labor
- Workers' Compensation
- Family and Medical Leave Act

These posters are obtained and provided to each department by the Human Resources Department.

Other posters required to be posted on departmental bulletin boards are:

- the 1983 Consent Decree and 1986 Amendment to the Consent Decree, or a notice advising employees where they may review a copy of those documents within the department. Any employee wishing to have a copy of those documents is to be provided a copy free of charge. *Note: Where it is not possible to hang a copy on the bulletin board itself, the department may post a notice of its availability along with the name and title of the person to contact to satisfy this obligation.*
- all vacancy announcements
- any changes in employee benefits, conditions of employment, or rule changes.
- Executive Orders

Employee Responsibility
Employees have a responsibility to read and familiarize themselves with the information that is posted in order to be fully informed of new regulations or information regarding their employment. Failure to do so will not be considered an excuse for violation(s) of any policies that have been posted.

CHAIN OF COMMAND

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

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

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

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

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

INVESTIGATIONS

Investigations shall be conducted concerning allegations of misconduct, discrimination, sexual or racial harassment, performance deficiencies, rule violations, or any other matter deemed prudent by management. Investigations may be conducted by the Mayor, the Human Resources Director, the EEO Officer, the department head, an authorized third-party investigator or any other duly authorized and qualified person as deemed appropriate and necessary by the official conducting the investigation.

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

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

When it is necessary to take statements from or interview employees during an administrative investigation, the procedures include, but are not limited to, the following:

- All internal investigation interviews, regardless of employee desires, will be audio tape recorded by the investigating official.
- Persons being interviewed may not bring a tape or video recorder into the interview site. They may not independently tape the interview.
- All internal investigation interview tapes will be transcribed and become part of the investigative file. At the City's discretion, a court stenographer may be employed to tape and transcribe the interviews.
- The employee is entitled to receive a copy of the audio tape and/or a copy of his/her interview tape transcription upon request.
- If an employee refuses to be interviewed on tape, the refusal may be considered gross insubordination and may subject the employee to disciplinary action, including discharge.
- The person being interviewed, the investigator(s) and the individual recording the proceedings are the only persons authorized to be present during an administrative internal investigation interview.
- Each employee interview must be transcribed separately from other interviews.
- Each interview transcription must be signed and dated by the individual transcribing the tape.
- Each interview transcription must be reviewed and signed by the interviewer.
- A summary and investigative report, including copies of transcribed interviews, will be submitted in a timely manner to the City official who authorized and is responsible for the investigation.

COMPLAINT RESOLUTION POLICY AND PROCEDURE

Routine Complaints
When routine disagreements occur involving the application or alleged misapplication of City policies, procedures, practices, rules, or regulations, employees are expected to make a good faith effort to resolve such disagreements within their department by following the established chain of command prior to filing a formal complaint for resolution under this policy.

Unlawful Discrimination or Harassment
If the complaint involves alleged unlawful discrimination or harassment, the employee may elect to either follow the chain of command within his/her department or make the complaint directly to the EEO Officer, the Human Resources Director, or other member of management. Any person, other than the EEO Officer or Human Resources Director, who receives a complaint of unlawful discrimination or harassment is required to report the complaint to the EEO Officer immediately. It is the responsibility of the EEO Officer or the Human Resources Director to ensure that all such complaints are investigated and resolved as promptly as possible.

Policy
Employees who are unable to resolve routine complaints informally within their chain of command may be provided an opportunity for resolution through the formal Complaint Resolution Procedure described below.

The Complaint Resolution Procedure may be initiated to resolve formal complaints or disagreements involving the following matters:

- unlawful discrimination or harassment (Unlawful discrimination or harassment is defined as discrimination or harassment of the kind prohibited by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Immigration and Naturalization Acts or U.S.E.R.R.A. (i.e., race, religion, gender, age, disability, national origin, or veteran status);
- discriminatory application of city or departmental policies or practices;
- failure to comply with established rules, regulations, or policies;
- abuse or mistreatment;
- harassment of any kind that has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment;
- unsafe working conditions or equipment that remain uncorrected after following chain of command to report them; and
- unsanitary or unhealthy working environment or conditions that remain uncorrected after following chain of command to report them.

The Complaint Resolution policy shall not be used to resolve complaints arising out of actions taken in compliance with federal and state laws, city ordinances, the policies and procedures contained herein, Civil Service Commission rules and regulations, the consent decree, or management rights stated earlier in this manual. Such matters shall not be matters for resolution by the formal Complaint Resolution Policy.

The Complaint Resolution Policy shall not be used to resolve matters governed by the Civil Service rules and procedures, including but not limited to, administrative and disciplinary actions or routine performance evaluations unless the employee can prove errors of fact, untruths or unlawful discrimination.

All complaints alleging unlawful discrimination or harassment will be promptly investigated and if determined valid, appropriate action will be taken.

Formal complaints should be submitted in good faith. The complaint should be explained thoroughly, including specific a thorough description and narrative of the facts and events leading to the complaint and the specific outcome the employee desires from the complaint. A descriptive narrative of any efforts to resolve the complaint within the employee's chain of command or within the department, as described above, must also be included in the written complaint. Any existing documents verifying those efforts should be attached.

Access to this procedure by the employee does not assure continued employment but simply provides an avenue of review and resolution of internal complaints. Reasonable efforts must be made to settle complaints as quickly as possible.

Retaliation for asserting one's civil rights is prohibited. The City shall not interfere with nor take any adverse action against employees solely because they file a complaint or are involved in an investigation involving this or any other policy.

Time Limitations For Filing Initial Complaint And Follow-Up Responses
All time limits stated in this policy shall exclude Saturdays, Sundays, and holidays.

Employee
The employee has three (3) working days to file a complaint following the occurrence causing the complaint, and has three (3) working days following receipt of a response at any step to file a written appeal with the person responsible for handling the next step in the procedure.

Responding Party
The person responsible for responding to the complaint at a specific step of the procedure must provide the employee with a written response within five (5) working days, unless circumstances beyond the responder's control occur to prevent it, or if a lengthy investigation is necessary that will necessitate a longer period of time. In such circumstances, the employee must be advised in writing that the responder is unable to meet the normal deadline, the reason(s) for the delay, and a reasonable estimated date on which the employee may expect a response.

Formal Complaint Resolution Procedures

Step 1. Initial Complaint
A. Within the time limit stated above, employees who intend to file a formal complaint for resolution under this policy must first obtain from the EEO Officer an official City Complaint Resolution form. They must complete the form and submit it to the EEO Officer within three (3) working days of the occurrence causing the complaint. Forms are available for this purpose from the EEO Officer located in City Hall or from the Human Resources Department located in the City Services Building.

B. The EEO Officer may require all parties to meet in an effort to resolve the issue before proceeding.

C. Within the time limit stated above, the EEO Officer shall issue a determination as to whether or not the complaint can be resolved at this point.

D. If unable to resolve the complaint informally, the EEO Officer will then determine whether the reason for the complaint meets the eligible criteria for the formal complaint resolution procedure as stated above in the paragraph entitled, "Policy." All complaints of unlawful discrimination are eligible for investigation and resolution utilizing this complaint resolution procedure, either through the normal steps in the chain of command, or at the employee's discretion, through the EEO Officer or Human Resources Director.

E. Following receipt of the notice from the EEO Officer that a complaint is eligible for formal complaint resolution procedures, and within the time limits described above, the employee shall provide a copy of the EEO Officer's eligibility determination notice along with the initial written complaint document(s) to the immediate supervisor.

F. Every effort should be made to resolve the complaint at this step. The supervisor shall provide a written response within the time limits stated above.

Step 2: Request For Review Or Reconsideration
A. Following receipt of the Step 1 supervisory or department head response, the employee may submit a written request to the department head or the department head's authorized representative for a review of the complaint and the supervisor's response. If the department head is the individual who responded at Step 1, the employee may provide a written request to the EEO Officer, thereby bypassing Step 2 of this procedure. The employee should follow the steps required in Step 3 below.

Step 3: Request EEO Officer Review
A. Following receipt of the department head's response, the employee may submit a written request to the EEO Officer for review of the complaint and the response received at each previous step.

B. The written request for review shall be filed with the EEO Officer within the time limits described above and must be accompanied by a written statement of the specific reasons the complaint remains unresolved after receiving the department head's response and why it merits EEO Officer review at Step 3. The request must be accompanied by a copy of the original complaint form, a copy of the response at each previous step, and, if applicable, the employee's written request for review at Step 2 and the response at Step 2.

C. The EEO Officer shall immediately provide written notice to the department head, the Human Resources Director, and the Mayor of any complaint presented to him/her for resolution.

D.. The EEO Officer will review the complaint, responses and requests for review and will investigate the complaint further if necessary. The EEO Officer will respond in writing to the employee, with a copy to all parties within the time limit stated above.

Step 4: Final Review

A. The grievance shall be considered resolved upon completion of Step 3 unless the employee OR the department head submits to the Mayor's Office a written request for review of the EEO Officer's response.

B. The written request for review shall be filed with the Mayor's Office within the time limits stated above, and must be accompanied by a written statement describing the specific reasons the complaint remains unresolved after receiving the EEO Officer's response at Step 3 and why it merits review. It must be accompanied by a copy of the original complaint form, the Step 1 response, the Step 2 request for review and the response, the Step 3 request for review and the EEO Officer's response.

C. The Mayor, or the Mayor's authorized representative, will review the record and make a final determination within the above time limits. All parties shall be available upon request if needed to provide additional information to assist the Mayor in reaching a final decision on the complaint. The decision of the Mayor shall be final and binding upon all parties.

Confidentiality

An investigation necessarily involves interviewing, taking statements and other activities. All persons involved in any investigatory process or complaint resolution process shall respect the confidentiality of the investigation, all communications and the right to privacy of all individuals involved to the greatest extent possible. Information obtained concerning the investigation or any individual may be divulged only to persons who have a need to know as determined by the investigator and the individual responsible for resolving the complaint. Improper breaches of confidentiality by any of the parties involved in the complaint resolution procedure, or by any other employee who may be interviewed during any related investigation, are prohibited and may subject the offender to disciplinary action including discharge.

In order to maintain the confidentiality of any complaint investigation, all documents delivered by any means to or from any individual must be in a sealed envelope, boldly marked "confidential".

INSPECTIONS, SEARCHES, MONITORING

Employees shall have no expectation of privacy in their use of City property, or in any of their personal property while it is located in or on City property. The City does not wish to unnecessarily intrude on the personal privacy of its employees: However, business necessity dictates that the City maintains strict control of its, facilities vehicle equipment, and information.

Access and use of any City property, including but not limited to, buildings, grounds, desks, lockers, supplies, file cabinets, offices, work sites, telephones, computers, web sites, word processors, cell phones, vehicles, equipment, tool boxes, or any other city property, is conditioned upon the City's right to inspect, search or monitor the use of such property.

Inspections, searches, and monitoring may be conducted with or without prior announcement for security reasons, if needed to retrieve a work-related file or report, or during a duly-authorized investigation when there is reasonable suspicion of theft, criminal activity or other misconduct. Such investigations may be directed towards, but are not limited to, employees or anyone entering, leaving, or on City premises.

The City is obligated to investigate when there is reasonable suspicion of misconduct. Employees are expected to cooperate fully in all such investigations. During such investigations, and under certain circumstances, employees reasonably suspected of such misconduct may be asked to provide access to any personal property that is located on City property. Denying such access is a violation of this policy. Personal property may include, but is not limited to the following:

- Personal Cell phones
- Personal Computer/Laptops
- Other personal electronic equipment IPAD, Tablets, PDAs
- Personal Storage mediums/Removable storage mechanisms, thumb drives, disks, terabyte drives

Any such search will be reasonably related to the City's objectives and will not be excessively intrusive.

Although the City will attempt to notify employees before conducting a search of their personal effects, searches may be initiated without prior notice and conducted at times and locations as deemed appropriate by the City. AT NO TIME will employees or others be touched nor will any clothing be removed during these searches and inspections unless conducted and required by legal authorities, although employees may be asked to empty their pockets.

An employee's refusal to consent to a search when requested by the City constitutes a violation of this policy.

This policy does not allow Department Heads to automatically seize an employee's personal property. Department Heads are required to report all violations to the Mayor. The Mayor will direct the appropriate personnel to retrieve or seize evidence/personal equipment.

In the event that there is probable cause to believe that criminal activity has occurred or may occur, the Police Department will be contacted to assist.

City-provided Locks
If the City provides a lock on any City property employees shall have no expectation of privacy in the use of said City property.

Personal Locks
Personal locks on City property are prohibited unless authorized by the department head. Use of a personal lock does not create an expectation of privacy in the use of City property, nor in the contents stored in City property. If personal locks are permitted, the employee is required to provide the lock combination or duplicate key to the supervisor or department head. The employee will be required to provide a written statement that the combination or key has been provided and acknowledging that the employee has no expectation of privacy in the use of City property, nor in the contents stored in City property.

Any prohibited materials found in an employee's possession during an inspection or search will be collected by management and placed in a sealed container or envelope. The employee's name, date, circumstances under which the materials were collected, and by whom they were collected, will be recorded and attached to the container or written upon the envelope. If after further investigation, the collected materials are found not to be prohibited, they will be returned to the employee, and the employee will sign a receipt for the contents. If the prohibited materials are found to be illegal and/or dangerous, they will not be returned to the employee but will be turned over to the appropriate law enforcement agency.

Violations of this policy may constitute insubordination. Insubordination is cause for disciplinary action, including discharge.

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

Management shall provide a copy of this policy to all current and new departmental employees and obtain a signed acknowledgement of receipt from each employee. The signed acknowledgement shall be forwarded to the Human Resources Department for placement in the employee's personnel file.

CONFIDENTIAL INFORMATION

Employees who receive and have access to information that is confidential are responsible for maintaining the security of such information. Employees are prohibited from disclosing confidential information to any other person in the organization unless there is a legitimate business reason for doing so; or to any person outside the organization unless management has expressly stated that the information can be disclosed to that person. Privacy rights with regard to confidential information concerning individual employees must be protected to the fullest extent possible.

Freedom of Information Requests
Department heads (or their authorized designate) are the only persons authorized to release information or to respond to FOI requests regarding matters within their departments. The Human Resources Director is the official custodian of all personnel files and, as such, is the only person authorized to respond to FOI requests regarding information contained in personnel files.

Any employee receiving an FOI request should refer it immediately to their department head (or the department head's authorized designate) or to the Human Resources Director, depending on the type of record involved.

Investigations of Criminal Activity or Other Wrongdoing
Investigations must be made regarding allegations of policy violations, criminal activity, or other misconduct. Employees involved or interviewed in such lawful investigations who acquire confidential information related to such investigations must recognize that revealing such information to any unauthorized persons is prohibited.

Employees who divulge information regarding other employees, thereby violating others' individual privacy rights, may be subject to personal liability for damages and penalties instituted by the person whose privacy rights have been violated or who has been defamed or libeled.

Violations of this policy are cause for disciplinary action, including discharge. Violators may also be subject to civil or criminal penalties.

ADMINISTRATIVE AND DISCIPLINARY ACTION

The department head is responsible for determining the type of administrative action that is appropriate for any given situation.

Personnel Conferences
Personnel conferences may be conducted for any reason that the department head or supervisor determines is necessary to enable an employee to meet his/her full potential. These conferences provide department heads and/or supervisors the opportunity to meet with employees in one-on-one situations to discuss any matter relevant to the employment relationship.

All personnel conference should be documented in writing. However, the personnel conference documentation is not considered a corrective disciplinary action unless the appropriate section on the Personnel Conference form is completed. The original of the signed and acknowledged personnel conference form should be submitted to the Human Resources Department.

Personnel conference or counseling discussion topics may include, but are not limited to:

- appreciation for superior performance or other achievement;
- standards or expectations relevant to performance, attendance , conduct, etc.;
- on-the-job training;
- specific problems areas that the employee needs to correct;
- specific improvements that the employee needs to make;
- specific goals that the employee needs to meet;
- deadlines for meeting goals, correcting problems, making improvements;
- consequences the employee can expect for failing to achieve goals, corrections, improvements; and
- any other matter concerning the employment relationship considered necessary by the department head or supervisor.

Disciplinary Actions
In matters of disciplinary action, the department head shall not be bound by any system of progression.

Disciplinary actions, including discharge, may be taken for any necessary and appropriate reason, including but not limited to, failure to comply with any federal, state or city law, Civil Service rule or regulation, written or unwritten City policy, rule, regulation, directive, procedure or practice; poor performance, inability to perform the essential functions of a position, or for any other lawful reason.

Factors that the department head may consider when determining appropriate administrative or disciplinary action include, but are not limited to, the seriousness of the violation or situation, the employee's work history, and any other factor the department head determines should be considered.

All administrative and disciplinary actions will be documented in writing and a copy forwarded to the Human Resources Department within five (5) working days of the incident.

Any disciplinary action involving suspension, demotion or reduction in regular rate of pay, or discharge must be administered in compliance with Civil Service Commission rules, regulations and procedures.

Forms are available in the Human Resources Dept. for purposes of facilitating the documentation of administrative and disciplinary actions..

INCLEMENT WEATHER

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

Employees necessary in providing essential services to the public during periods of inclement weather (such as sanding streets, barricading streets, providing customer service, manning telephones, restoring electric power, repairing traffic lights, providing 9-1-1/ rescue services, and other essential duties) shall report to work as scheduled. Employees likely to be called to work in cases of emergency are required to reside within a reasonable commuting distance of their places of work. "Reasonable community distance" is defined as the ability to commute to work from home in thirty (30) minutes or less.

Commuting distance or routine traffic congestion encountered on roads an employee must regularly travel to work will not be considered an excuse for tardiness, irregular attendance, or failure to report in a timely manner including during periods of inclement weather or emergencies when required.

When the Inclement Weather Policy is in effect, all employees classified as non-essential should arrive at their designated work stations at their designated regular start time or as soon as possible thereafter.

Tardiness may be excused early, up to, but not to exceed two (2) hours without charge to leave. Excused tardiness applies to personnel who have made an effort to arrive at work on time but have been hindered by inclement weather conditions. **This is not a blanket approval for an employee to be two (2) hours late.**

Employees arriving more than two (2) hours after their scheduled start time will be charged either annual leave, compensatory time or leave without pay calculated between their arrival time and their regularly scheduled start time. Employees not coming to work at all will be charged a full day's absence. In this event the employee will be charged either annual leave, compensatory time or leave without pay. Employees unable to report to work due to inclement **weather must notify their supervisor, or designated point of contact, prior to the beginning of their scheduled workday or as soon thereafter as possible.**

Non-essential personnel maybe excused early, up to, but not exceed, two (2) hours at the end of the day without charge to leave; provided, however, they are at their duty station when the inclement weather policy is put into effect.

In the event the Mayor closes city offices, the entire day or portion of the day affected will be treated the same as for a holiday. However, the employee must be available for call back at the contact phone number provided by them to their department. Employees on approved leave when the office is closed will be charged for the leave as it was approved.

The inclement weather policy may be put into effect only by the Mayor or his/her designee. In the event of an early morning severe inclement weather condition, a determination will be made before 6:30 a.m., if possible. Once the Mayor or his/her designee has declared the inclement weather policy to be in effect, he/she will notify the North Little Rock Communications Department. The Communications Department will immediately notify by email all department heads and print, television, radio and Internet media outlets. Notification will also be posted on the front page of the city's website, Facebook and Twitter."

Department Heads will designate essential personnel within their department and give notice of the designation to all personnel. Even if the inclement weather policy is in effect or city offices have been closed, any or all employees may be called to report to work if their services are needed.

NON-FRATERNIZATION

Personal, romantic relationships between members of management or supervisory personnel and individuals directly or indirectly within their supervisory authority create potential legal liability for the City. Therefore, any such relationship between a director, manager, or supervisor of the City and a subordinate employee is prohibited.

Any such relationships that may currently exist on the effective date of this policy will be addressed in the most expedient manner possible to reach a separation of reporting authority.

Personal, romantic relationships between employees working in the same department or division are also discouraged. Supervisors having knowledge of such relationships should endeavor to provide work assignments or work sites that separate the employees during working hours.

Any personal relationship that causes problems during working hours may result in disciplinary action, including discharge.

Regardless of a current or previous consensual relationship, any sexual discrimination or sexual harassment complaint received will be taken seriously and will be investigated and handled in the same manner as any other complaint of unlawful sexual discrimination or sexual harassment.

MEETINGS

It is essential that managers and supervisors hold meetings with their employees when it is necessary to share information, to discuss departmental goals, policies, job assignments, for training purposes, to conduct investigations and any other matters deemed necessary.

Every effort will be made to provide employees with advance notice of meetings if possible or practical under the circumstances.

Employees are expected to attend all meetings unless excused by the supervisor or department head.

Employees are expected to be attentive and respectful at all times during such meetings. Displays of rudeness or other disruptive behavior will not be tolerated. Cell phones must be turned off during meetings.

Employees are encouraged to ask questions in good faith on any matters that are not fully understood. Conduct that has the intent or effect of being disruptive or disrespectful will not be tolerated and may be cause for disciplinary action, including discharge.

TELEPHONE AND CELL PHONE USE

It is essential that City telephone lines are kept open to the greatest extent possible for public service, and that courteous, respectful customer service be provided at all times. It is also necessary that employees be productive at all times while on duty. Employees shall refrain from unnecessary personal calls. Calls to other employees should also be limited to the time necessary to conduct City business.

Employees wanting to receive or place non-emergency personal phone calls, whether on a city phone or their personal cell phone, during the work day should wait to make or receive these calls on their breaks or their lunch periods when they are not on duty.

In departments providing vital customer service or when problems with low productivity are being experienced due to suspected personal calls, the City may periodically and randomly, without advance notice, monitor telephone conversations made in the normal course of business. Monitoring of individual calls will be limited to business-related objectives to the extent necessary to determine whether conversations are personal or business related and, if City business, to evaluate the quality of the customer service provided.

Restrictions on City-Owned Telephones and Cell Phones

- Unauthorized use for local or long distance calls is prohibited.
- Use of City telephones or cell phones in such a manner as to cause the City to incur additional charges will be responsible for reimbursing the City for the additional charges.

Restrictions on Personal Cell Phones

- Use of a personal cell phone is prohibited in the workplace or on work sites except during authorized breaks and lunch periods.
- Employees are required to turn personal cell phones off while on duty.
- If it is essential that an employee make or receive a personal cell phone call while on duty, specific, advance permission must be requested and received from the supervisor or department head.
- Authorization or permission to make or receive a personal cell phone call while on duty shall not be given by the supervisor or department head when such use would create a distraction or affect the productivity of employee or the department.

Restrictions on Use of All Telephones and Personal or City-owned Cell Phones

- Authorization to use any cell phone shall not be given when such use would create a hazard to the safety of the employee, the public or co-workers.
- Use of any cell phone is prohibited while riding on a City vehicle or operating machinery or other equipment or in any other situation that may pose a safety hazard.
- Telephone or cell phone conversations are prohibited during meetings, training workshops, seminars, or other areas where City business is being conducted. Cell phones must be turned off or set on vibrate when attending these City functions.

Use of Cell Phones in City-Owned Vehicles

- No City employee will be allowed to use a cell phone while operating a City-owned vehicle unless their phone has handsfree capability. If an employee does not have a speaker phone, it will be necessary to either replace his or her phone with a phone that has a speaker or install a handsfree kit in the vehicle, whichever is more reasonable in cost. Replacement of a phone or installation of a handsfree kit should be completed by September 1, 2006. (EXECUTIVE ORDER 2006-05 issued 8/14/06)

Cell Phones with Cameras
Employees are prohibited from using cell phones with cameras to photograph, print or transmit images of other employees or members of the public in the workplace or in any private area on or off duty unless otherwise specifically authorized to do so by the department head.

Responsibilities
Department heads are responsible for monitoring safe and efficient use of all types of communication devices by their employees. Where unsafe, excessive or prohibited use is observed, especially in those areas of City government providing customer service, public safety or welfare, or where other safety hazards exist, department heads are responsible for taking appropriate corrective action.

Employees are responsible for compliance with the above policy. Employees who experience slow or idle periods in their work cannot consider that to be an acceptable time to engage in idle conversations whether on a City-owned telephone or cell phone or a personal cell phone.

Penalties for Violations
Violations are cause for disciplinary action, including discharge.

INTERNET ACCESS, ELECTRONIC MAIL, PC/LAN/WAN USAGE POLICY
As Revised 05/15/09
INTERNET POLICY

Purpose
The purpose of this policy is to define allowable and appropriate uses of the City's Internet.

Definition of Terms
Backbone: The City of North Little Rock internal network. The wires or fibers that carry major communications traffic within a network.

LAN: Local Area Network

WAN: Wide Area Network.

PC: any personal computer or mobile device, to include any type of device with the ability to connect to the City's backbone, wide area, and/or local network.

Internet Access
Internet access can be made available to any North Little Rock user on the city's network. Department heads shall be the authorizing agent in determining whether an employee shall have Internet access. Department heads will then request access through the firewall for this user's PC and install the software at the direction of their Department's LAN Manager or from the Wide Area Network (WAN) Manager.

Access to the Internet from any PC connected to the North Little Rock City WAN is only allowed via the City's centralized Internet connection. Alternate methods of Internet access would compromise the City's network security exposing it to potential harm from computer hackers. Requests for exceptions to this rule must be reviewed and approved in advance by the Computer Steering Committee.

Internet Use
All City of North Little Rock employees are responsible for using computer resources in an ethical, responsible and legal manner. Use of the Internet, including e-mail to and from the Internet, through City of North Little Rock equipment will only be for City employees, and primarily for purposes related to City business.

Department Heads are responsible for managing use of the Internet by their staff, restricting use or limiting time as they see appropriate.

Users should consider their Internet activity as public information and manage their activity accordingly. All Internet traffic travels beyond the City of North Little Rock's protected network into the World Wide Web. Such information is not secure.

The City of North Little Rock Information Systems keeps logs of the Internet activity on the City's network. Logs are available to the Department Heads as deemed necessary by the Director of Human Resources.

Viewing and downloading offensive material from the Internet is prohibited and may result in disciplinary action, including termination. The City's E-mail/Internet systems should not be used to create or disseminate any discriminatory, defamatory, offensive, disruptive, or otherwise inappropriate or unprofessional communications. Among those considered inappropriate or unprofessional are any communications concerning sex, that contain sexual implications, racial slurs, gender-specific comments, or any other comment that inappropriately or unprofessionally address someone's age, race, religious beliefs, national origin, or disability, genetic information, or any other protected class.

The City's E-Mail/Internet systems should not be used to access any discriminatory, defamatory, offensive, disruptive or otherwise inappropriate or unprofessional web sites (e.g. pornographic sites, hate speech, criminal skills, illegal drugs, etc.)
All copyrighted information and software found on the Internet must be respected to avoid violations of the law.

Virus checks must be completed on all files and e-mail attachments. Anti-virus software updates must be done on a regular basis.

When using the Internet through City resources, employees are representing the City. Thus all communications across the Internet shall be professional. Employees also must be sensitive to the different backgrounds, cultures and countries of the people that you may communicate with while on the Internet.

All E-mail/Internet records are considered records of the City and are subject to inspection and disclosure under the Freedom of Information Act (FOIA) or court subpoena.

Employees are prohibited from performing any act that is illegal or otherwise in violation of any applicable federal, state, or local laws.

Prohibited Activity
All devices that connect to the network, including wireless access points, laptops, or any other portable device having a network capable connection port must conform to company security policies. Only authorized IT staff can connect business networking equipment and/or mobile devices by use of a network cable connection (Ethernet cable). No user should connect personal devices or personal computer equipment by use of a network cable, which has one plug going into a network port, at any time. Failure to comply with this prohibited activity may result in disciplinary action including termination.

ELECTRONIC MAIL (E-Mail) POLICY

Purpose
The purpose of this policy is to assure proper use of electronic mail by the employees of the City of North Little Rock.

Electronic Mail (email)
The City's electronic mail system is to be used for City business and, as such, department heads may authorize inspection of messages at any time. Every email user will have a user name unique in the e-mail system. All employees must check their mailbox on a regular basis. All old email must be deleted in a timely manner.

Procedure
Junk Mail. The email system will not be used as a method of communicating non-essential information to City staff. Do not forward junk mail (such as chain letters) through the email system wasting City resources and staff time.

Global Messages. The determination as to whether a message is appropriate as a global message is to be made only by the department head or their designee. The LAN administrator may send citywide messages distributing information regarding the email system without obtaining department head approval.

Email is not private. No employee shall have any expectation of privacy in email. LAN Administrators have the capability to read any messages if requested by a department head.

PC/LAN/WAN POLICY

Purpose
The purpose of this policy is to assure proper use of the City's PC's, LAN and WAN.

The City of North Little Rock maintains various communication networks. One of which is our Wide Area Network or 'backbone' communication network. It consists of various methods and equipment. In place across all departments are Local Area Networks allowing various office communications and communications back to the 'backbone'. In order to protect our communication networks from virus infiltration and to ensure reliability and integrity of our systems, it has become necessary that we establish and enforce a set of policies.

All PCs, software, related hardware and electronic data are the property of the City of North Little Rock. To protect your privacy, personal information should be removed. Incidental and occasional personal use of the City's computers is permitted; however, personal use is prohibited if it:

i) interferes with the user's productivity or work performance, or with any other employee's productivity or work performance;

ii) adversely affects the efficient operations of the computer system.

Games are for home usage and should not be installed on any city owned PC.

A protected network server may be available to you, (*see your LAN manager*) which offers advanced security and superior protection against failure. It is backed up daily and backups are stored in a secured area. It is important that you save all critical data to your private directory on the network. You can choose to save data on your local machine (i.e.; C: drive) but **you** will be responsible for this data. The network administrators will not be responsible for the recovery of this data if lost. If you are unsure of how to save data or need help in setting up backup procedures, please contact your network administrator.

If you load any data from any outside source (floppy disk, usb drive, cd, DVD, Internet), you should check it using virus protection software. A Virus could not only infect the city owned PC, it can and will infect the entire network.

A unique login and password will allow you access to the Local Area Network. File access is controlled by this login and everything you do will be audited and logged under your login ID. For your protection, you should never share your password. If you need to change it, please see your LAN administrator.

Security measures are now in place to help protect your data. Limited password retries (5 tries), limited password life (120 days maximum), and system auditing have been implemented. Audit logs will be reviewed on a regular basis to prevent unauthorized access to our network. Outside attacks to our LAN are always a possibility. If you forget your password or have difficultly accessing the network, please contact your LAN administrator.

** PLEASE NOTE as of 4/1/2009 In an effort to comply with the Federal Trade Commission's Red Flags Rule, North Little Rock Utilities, City Services, Finance and Administration adopted administrative procedures to work toward preventing fraud and personal identity theft. In is the City's intention to protect personal consumer data in an effort to uphold and adhere to these rules and practices related to the added security in protecting consumer information and preventing unauthorized access. All North Little Rock employees will read, acknowledge and sign the implemented Identity Theft Prevention Policy (see section 5-017) in addition to the signed acknowledgement of this Internet Email and Computer Usage Policy as related to their job duties upon hire date or transfer date.

Every software package must have a software license. Any software running on your machine that does not have a license is illegal and will be removed; this is not an option. Routine PC audits will be conducted without notice.

If you have a need for a new software package that meets the NLR Computer Steering Committee's approved software list or has been sent through the Committee for approval and you have approval from your department head, submit the request to your LAN administrator. Once the software has been purchased, contact the LAN administrator so that it can be installed properly.

If you have any PC, software, or hardware related issues, please contact the LAN administrator. He/She will be able to assist you or will be able to direct you to the right person.

As a City employee you are required to adhere to these policies. If you do not follow these policies, disciplinary action may be taken, including termination.

List Revised 12/16/15

Department	Dept. Head or Designee	LAN Location	LAN Administrator
Administration	Admin Designee	City Hall	NLRED Sr. Info Sys. Specialist
Advertising and Promotion	Advertising Designee	Advertising and Promotion	Director
Airport	Airport Designee	NO LAN	Director
Animal Shelter	Animal Shelter Designee	Animal Shelter, Peer to Peer	Lead Animal Control Officer
Chamber of Commerce		NO LAN	
City Clerk & Collector	City Clerk Designee	City Hall	NLRED Sr. Info Sys. Specialist
City Services Building	Information Systems		
Code Enforcement	Code Enforcement Designee	Code Enforcement	City Services IS
Commerce & Government Relations	Commerce Designee	City Services	City Services IS
Community Center	Community Center Designee	Community Center, Peer to Peer	Program Supervisor
Community Development	Community Development Designee	City Services	City Services IS
Community Planning	Community Planning Designee	City Services	City Services IS
Courts (Criminal/Civil)	Court Designee	Police	NLRPD Info Sys. Manager
Courts (Traffic)	Court Designee	Police	NLRPD Info Sys. Manager
Information Systems	Information Sys. Designee	City Services	City Services IS
EEOC	EEOC Designee	City Services	City Services IS
Electric Department	Electric Designee	Electric	NLRED Sr. Info Sys. Spec.
Emergency Services	Emergency Services Designee	OES	City Services IS
Engineer	Engineer Designee	Public Works	City Services IS
Finance	Finance Designee	City Services	City Services IS
Fire	Fire Designee	City Services	City Services IS
Hays Senior Center	Hays Center Designee	City Services	City Services IS
Housing Authority	Housing Authority Designee	Housing Authority, NetWare	Director
Human Resources	Human Resources Designee	City Services	City Services IS
Laman Library	Library Designee	Library	Director
Legal	Legal Designee	City Hall	NLRED Sr. Info Sys. Spec,
Neighborhood Services	Neighborhood Services Designee	Neighborhood Services, Wireless WAN	NLRED Sr. Info Sys. Spec.
Parks and Recreation	Parks Designee	Community Center	City Services IS
Police	Police Designee	Police	NLRPD Info Sys. Manager
Public Defender	Public Defender Designee	NO LAN	
Public Works	Public Works Designee	Public Works	City Services IS
Revenue/Internal Auditor	Revenue Designee	City Services	City Services IS
Safety	Safety Designee	Public Works	City Services IS
Sanitation	Sanitation Designee	Public Works	City Services IS
Street	Street Designee	Public Works	City Services IS
Traffic Control	Traffic Designee	Traffic	City Services IS
Utilities	Utilities Designee	City Services	City Services IS
Vehicle Maintenance	Vehicle Maintenance Designee	Vehicle Maintenance	City Services IS
Volunteers	Volunteer Designee	Hays Senior Center, Wireless WAN	City Services IS
Waste Water	Waste Water Designee	Waste Water	Director

No Expectation of Privacy

The City reserves the right to monitor or disclose any electronic communication sent, received, or stored using its electronic communications facilities. Any and all software, data, or other information stored on or accessed by the City's computer system may be monitored, read, examined, seized, or confiscated as necessary. Monitoring, investigation, and examination of electronic content can be conducted at any time. The City reserves the right to monitor any use of its electronic communications systems, including use of these systems while the employee is on his/her own time, to access any information on these systems, and to take any action it determines to be appropriate with respect to that information. Employees should understand that e-mail messages and Internet transactions, including those they delete or erase from their own files, may be backed up or recorded and stored centrally for system security and investigative purposes and may be available to the public under the Freedom of Information Act. E-mails and records of Internet activities may be retrieved and viewed by anyone with proper authority at a later date. It is the user's responsibility to use care in communicating information not meant for public viewing. Use of the City's electronic communication facilities shall be deemed to constitute consent to allow monitoring of all communications and agreement to abide by all applicable policies.

Acknowledgement Of Policy

Each employee with computer privileges in any City department is required to sign an acknowledgement in the form below and such acknowledgement will be placed in their personnel file by the Human Resources Director and a list of such acknowledgements will be kept on file in the Human Resources Department. Failure to sign such acknowledgement does not excuse violations of the foregoing policies.

ACKNOWLEDGEMENT OF
Internet Access, Electronic Mail and PC/LAN/WAN Usage Policy

I, (Print)_____ have received a copy of the City of North Little Rock Internet Access, Electronic Mail and PC/LAN/WAN Policy and have read and understand the policy.

_____ _____

Signed Date

Footnote: Upon receipt of a mobile device, employee assumes all risks associated with downloads of applications, security compromises, theft of information and understands the employee's responsibility to comply. All employees approved for use of any mobile device will need to call their designated IS team and setup a time to configure the mobile device. The employee's department head will need to contact the appropriate IS department manager to approve any requirements for employee email access or secure network access. (City Services IS; Electric Department IS; Police IS; CTSC Chair and Co-Chair).

EMPLOYEE SOCIAL MEDIA POLICY

Purpose

The purpose of this policy is to establish guidelines of City of North Little Rock employees when using social media, whether as a part of formal job duties or in personal capacity, and to limit the risk of damage being caused to the City from employee social media participation.

Definitions

Social Media: Any online format or platform that focuses on socal networks or social relations among people who share interests or activities and provide a means for users to interact over the Internet.

Social Media may include but is not limited to:

- Social networking sites (example: Facebook, LinkedIn, MySpace)
- Blogs or micro-blogging (example: Twitter)
- Forums, discussion boards and groups
- Instant Messaging, emails
- Video and photo sharing websites (example: Flickr, Youtube)

Policy

Work Related Use

Department directors are the authorizing agent in determining whether an employee shall have access to social media or social networking sites on the City's network.

Only authorized representatives will be allowed to make official comments on behalf of the City of North Little Rock. Department directors are responsible for assigning official representatives of their departments. Directors will notify the Information Systems (IS) Director of anyone whom they authorize to make official City comments. Any department that uses social media must also have a designated moderator for all information posted by the department and comments from the public online.

Personal Use

The City understands that social media is an integral part of modern society and its employee's personal lives and does not intend to discourage nor limit your personal expression or online activities. However, employees should understand the potential for damage to be caused (either directly or indirectly) to the City of North Little Rock through the personal use of social media when you can be identified as a City of North Little Rock employee. Therefore the following guidelines must be followed:

- Employees are personally responsible for the content they publish in a personal capacity on any form of social media or social media network platform.
- Only disclose and discuss publicly available information.
- Do not post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or is otherwise unlawful or a violation of the City's harassment policy.
- Do not imply you are authorized to speak as a representative of the department you work in or the City.
- Do not disclose any confidential information obtained in your job.
- Do not use your department email address or any department or City logos or insignia that may give the impression of official support or endorsement by the City.
- Do not post material that is or might be construed as threatening, harassing, bullying, or discriminatory towards another employee of the City.
- Do not make any defamatory comments or post any material defaming the City or its employees.

The Workplace Violence, Harassment and Bullying Policy applies not only in the physical workplace but online as well. Workplace bullying and harassment includes any bullying or harassing comments employees make online, even on their own private social networks or out of office hours. Abusive, harassing, threatening or defaming postings are in breach of the City's Workplace Violence, Harassment and Bullying Policy and may result in disciplinary actions being taken up to and including discharge.

Inappropriate Use

Any employee becoming aware of, or having knowledge of inappropriate, harassing or bullying content towards the City of North Little Rock or its employees shall notify either his/her supervisor, the EEO Officer or HR Director.

IDENTITY THEFT PREVENTION PROGRAM FOR NORTH LITTLE ROCK ELECTRIC UTILITIES ACCOUNTING

This Program is intended to identify Red Flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, establish methods to ensure existing accounts were not opened using false information, and designate measures to respond to such events.

The terms "Identity Theft" and "Red Flag" are used in this program as the Red Flags Rule defines them. The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

Contact Information:

The Senior Management Person responsible for this program is:

Finance Director

The governing body of the Utility is North Little Rock City Council.

Risk Assessment

The Red Flags Rule requires a utility to assess the risk of Identity Theft in relation to customer accounts it offers and maintains a.) primarily for personal, family or household purposes that involve multiple payments or transactions, and b.) any other accounts it offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the utility from Identity Theft.

The North Little Rock Electric Utilities Accounting has identified these types of accounts and conducted an internal risk assessment to evaluate the risk level of individuals creating those accounts fraudulently and utilizing existing accounts fraudulently. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify Red Flags that could indicate attempts to commit Identity Theft. Consideration was given to the fact that at this utility:

- New accounts are opened In Person
- New accounts are opened via Telephone
    - Same as above plus has to bring in picture ID within 7 days or service is terminated.
- New accounts are opened via Fax
    - Same as above plus has to bring in picture ID within 7 days or service is terminated.
- Account information can be accessed In Person
- Account information can be accessed via Telephone (Person)
- Account information can be accessed via Telephone (Automated)(Pin Number Controlled)

Red Flags Identification

The North Little Rock Electric Utilities Accounting identifies the following Red Flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary.

Suspicious Documents

- Identification document or card that appears to be forged, altered or inauthentic;
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged);
- Application for service that appears to have been altered or forged.

Suspicious Personal Identifying Information

- Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- Social security number presented that is the same as one given by another customer;
- An address or phone number presented that is the same as that of another person;
- A person fails to provide complete personal identifying information on an application when reminded to do so;
- A person's identifying information is not consistent with the information that is on file for the customer.

Suspicious Account Activity or Unusual Use of Account

- Change of address for an account followed by a request to change the account holder's name;
- Payments stop on an otherwise consistently up-to-date account;
- Account used in a way that is not consistent with prior use (example: very high activity);
- Mail sent to the account holder is repeatedly returned as undeliverable;
- Notice to the Utility that a customer is not receiving mail sent by the Utility;
- Notice to the Utility that an account has unauthorized activity;
- Breach in the Utility's computer system security;
- Unauthorized access to or use of customer account information.

Alerts from Others

- Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Red Flags Detection

<u>New Accounts</u>

In order to detect any of the Red Flags identified above associated with the opening of a new account, North Little Rock Electric Utilities Accounting personnel will take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
    - Must have a valid government issued state or federal picture ID. Will accept picture ID from any state (U.S.)
    - Signed lease agreement or home ownership papers.
    - Have a valid contact number.
    - If the lease is faxed the customer has 7 days to bring in a picture ID or service will be disconnected.
- Verify the customer's identity (for instance, review a driver's license or other identification card);
- Review documentation showing the existence of a business entity;
    - Commercial customers must have a federal ID and business license.
- Independently contact the customer.

<u>Existing Accounts</u>

In order to detect any of the Red Flags identified above for an existing account, North Little Rock Electric Utilities Accounting personnel will take the following steps to monitor transactions with an account:

- Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- Verify the validity of requests to change billing addresses;
- Verify changes in banking information given for billing and payment purposes.

Closing Accounts

- Residential - In order to close an account, the customer must verify the name, account number, address, social security number or driver's license number associated with the account.
- Commercial/Business -In order to close an account, the customer must verify the name, account number, address, and the federal ID number associated with the account.
- Both account types have to provide a valid forwarding address and contact number.

Response

Any employee that may suspect fraud or detect a Red flag will implement the following response as applicable. All detections or suspicious Red Flags shall be reported to the senior management official.

- Ask applicant for additional documentation
- Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Customer Service Manager.
- Notify law enforcement: The Customer Service Manager will notify the Finance Director who will notify the North Little Rock Police Department of any attempted or actual Identity Theft.
- Do not open the account
- Close the account
- Do not attempt to collect against the account but notify authorities

Personal Information Security Procedures:

The North Little Rock Electric Utilities Accounting adopts the following security procedures.

1. Paper documents, files, and electronic media containing secure information will be stored in locked file cabinets. File cabinets will be stored in a locked room.
2. Only specially identified employees with a legitimate need will have keys to the room and cabinet.
3. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
4. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
5. Employees will store files when leaving their work areas
6. Employees will log off their computers when leaving their work areas
7. Employees will lock file cabinets when leaving their work areas
8. Employees will lock file room doors when leaving their work areas
9. There is no offsite storage facility used for paper documents containing secure information.
10. Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the utility.
11. No visitor will be given any entry codes or allowed unescorted access to the office.
12. Access to sensitive information will be controlled using "strong" passwords. Employees will choose passwords with a mix of letters, numbers, and characters. User names and passwords will be different. Passwords will be changed at least bi-monthly.
13. Passwords will not be shared or posted near workstations.
14. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
15. When installing new software, vendor-supplied default passwords will be immediately changed to a more secure strong password.
16. Sensitive consumer data will not be stored on any computer with an Internet connection
17. Sensitive information will not be sent to third parties over "public" unsecure networks.
18. Sensitive information that is stored on computer network or portable storage devices used by employees will be encrypted.
19. Email transmissions will not contain personally identifying information.
20. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily. Records will be maintained and reviewed periodically for types of virus, etc. found.
21. The use of laptops is restricted to those employees who need them to perform their jobs.
22. Laptops will be stored in a secure place.
23. Laptop users will not store sensitive information on their laptops.
24. There are no laptops which contain sensitive data.
25. Employees will never leave a laptop visible in a car, at a hotel luggage stand, or packed in checked luggage.
26. If a laptop must be left in a vehicle, it is to be locked in a trunk.

27. The computer network will have a firewall where your network connects to the Internet.
28. Any wireless network in use is secured.
29. Maintain central log files of security-related information to monitor activity on your network.
30. Monitor incoming traffic for signs of a data breach.
31. Implement a breach response plan.
32. Check references or do background checks before hiring employees who will have access to sensitive data.
33. New employees sign an agreement to follow our confidentiality and security standards for handling sensitive data which are outlined in the Employee Handbook.
34. Access to customer's personal identify information is limited to employees with a "need to know."
35. Procedures exist for making sure that workers who leave your employ or transfer to another part of the company no longer have access to sensitive information.
36. Implement a regular schedule of employee training.
37. Employees will be alert to attempts at phone phishing.
38. Employees are required to notify the general manager immediately if there is a potential security breach, such as a lost or stolen laptop.
39. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
40. Service providers notify you of any security incidents they experience, even if the incidents may not have led to an actual compromise of our data.
41. Paper records will be shredded before being placed into the trash.
42. Paper shredders will be available at each office area, and at the home of any employee doing work at home.
43. Any data storage media will be disposed of by shredding, punching holes in, or incineration.

_____

Identity Theft Prevention Program Review and Approval

This plan is approved by the undersigned. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

Position: Finance Director

Date: _____

Signature: _____

A report will be prepared and submitted to the above named senior management or governing body as the risk of Identity Theft evolves and circumstances warrant to include: a summary of Identify Theft incidents and the utility's response; the effectiveness of the policies and procedures; the oversight and effectiveness of any third party billing and account establishment entities; other matters related to the program, and recommendations for substantial changes to the program, if any.

Acknowledgement Of Policy
Each employee with computer privileges in any City department, or who may otherwise have access to customer information, is required to sign an acknowledgement in the form below and such acknowledgement will be placed in their personnel file by the Human Resources Director and a list of such acknowledgements will be kept on file in the Human Resources Department. Failure to sign such acknowledgement does not excuse violations of the foregoing policies.

ACKNOWLEDGEMENT OF
Identity Theft Prevention Policy

I, (Print) _____ have received a copy of the City of North Little Rock Identity Theft Prevention Policy and have read and understand the policy.

_____ _____
Signed Date

SECTION 6.

INSURANCE
AND
RETIREMENT BENEFITS

INSURANCE AND RETIREMENT BENEFITS

In General

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

Eligible Employees

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

Optional Insurance

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

Optional Deferred Compensation Plans

At the current time, payroll deductions are also provided for two optional Deferred Compensation Plans: Nationwide and Citistreet. Employees should contact their department head to obtain information on participation. Periodically, representatives from the plans visit the City to service employee accounts and to sign up new accounts.

GROUP HEALTH INSURANCE

The following is a brief summary of the current group health insurance plan, which also includes dental benefits.

A complete description of the group health insurance provisions may be found in the employee's United Health Care of the River Valley plan booklet that is provided to every covered employee. In the event of any contradiction between the information given here and the United Health Care of the River Valley booklet, the United Health Care of the River Valley booklet shall govern in all instances. For details of benefits, restrictions, exclusions, procedures, etc., employees should study and become familiar with the provisions described in the insurance booklet provided to them. If a booklet has been lost, the Finance Department or Plan Administrator should be contacted for a replacement.

No individual may be covered under this plan as both an employee and a dependent. Also, no individual will be considered an eligible dependent of more than one employee.

Eligible Dependents

Optional coverage is available for covered employees' eligible dependents as follows: spouse, children under age 26, and handicapped children past the age of 26 (if not gainfully employed and is living with the employee).

In addition to a son or daughter born to an employee and their spouse, the term "child" also includes an employee's adopted child and stepchild or other child for whom the employee has legal guardianship if such child depends primarily on the employee for support and maintenance and lives with the employee in a parent/custodian-child relationship.

Eligibility as a dependent will cease: (a) for any person on the date he or she becomes covered for personal coverage under United Health Care of the River Valley as a dependent of another person, enters active service with the armed forces of any country, or otherwise ceases to be in a covered classification of persons according to the definition of an eligible dependent, (b) for an employee's spouse, on the date of divorce or legal separation, and (c) for an employee's child on attainment of the applicable maximum age limit.

Any dependent residing outside the United States or Canada is excluded from coverage.

Eligibility for Medicare

When a current covered employee becomes age 65 or eligible for Medicare coverage, the City's benefits remain the primary coverage and Medicare is the secondary coverage.

Effective Date

Coverage for employees and dependents is effective the first day of the month following 30 consecutive days of employment. Dependent coverage will have the same effective date except as stated below.

Enrollment Date

The annual enrollment date is January 1. If the employee does not enroll eligible dependents before the date the employee becomes eligible, they may not be enrolled until the following January 1. If an employee has no eligible dependents, but wishes to provide coverage for an eligible newborn, then the employee must enroll for dependent coverage when the child is born. New dependents, i.e., marriage or adoption, must be enrolled the first of the month following the date the employee acquired the new dependents. If not enrolled when eligible, the new dependents may not be enrolled until January 1 of the next year. Employees must complete an enrollment card and submit it to their departmental payroll clerk for forwarding to the Human Resources Department when dependent coverage is elected.

Payment of Premiums

At the present time the City pays 100% of the cost of providing medical insurance premiums through United Health Care of the River Valley, for each eligible employee and elected City official and 75% of the cost for eligible dependents.

When a covered employee is temporarily in an inactive, non-pay status other than unpaid FMLA leave, it is the responsibility of the covered employee to pay 100% of his own and his eligible dependents' health insurance premiums.

While the covered employee is on unpaid FMLA leave, the City will continue to pay 100% of the employee's health insurance premium, however, the employee is required to continue to pay the premiums for his/her usual share of the dependent health coverage and any optional insurance payments.

If an employee on FMLA leave fails to return to work following the leave, the employee may be required to reimburse the City for all premiums paid during the leave.

Arrangements for paying health insurance premiums during periods of unpaid leave should be made with the Finance Department as far in advance of the leave as possible.

Status Changes
Dependent coverage may be discontinued by completing the change portion of a new enrollment card. If coverage is discontinued after payment of a portion of the premium, that premium payment will not be refunded. Any change in dependent coverage status requires completion of a new enrollment form. These forms are available in each department. Status changes cannot be completed until the employee has signed the change form.

Options for Continuation Of Coverage

Retirees Age 55 or Older "Unless Medicare-Eligible"
When any city employee, fifty-five years of age or over *Unless Medicare-Eligible* who is vested in the retirement system retires from the City, the retiree may continue to participate in the City's health care plan, receiving the same medical benefits and paying the same premium as active employees as long as the retiree pays the total premium due to the health care plan.

Under the Consolidated Omnibus Benefits Budget Reconciliation Act (C.O.B.R.A.)

Employees
Pursuant to Public Law 99-272, Title X known as (C.O.B.R.A.), an employee who is subject to losing group health coverage because of a reduction in hours of employment (including unpaid military leave in excess of thirty (30) days), or termination of employment (for reasons other than gross misconduct on the employee's part), may choose continuation of the City's health insurance coverage by paying the premiums as described below. C.O.B.R.A. coverage does not include Life or AD&D.

Spouses of Employees
Covered spouses of employees may choose continuation coverage if group health coverage is lost for any of the following four reasons:

- the death of the employee;
- a termination of the employee's employment (for reasons other than gross misconduct) or reduction in the employee's hours of employment;
- divorce or legal separation from the employee; or
- the employee becomes entitled to Medicare.

Children of Employees
Covered dependent children of an employee may choose continuation coverage if group health coverage is lost for any of the following five reasons:

- death of a parent who is the employee;
- termination of a covered parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the City;
- parents' divorce or legal separation;
- parent becomes entitled to Medicare; or
- the dependent ceases to be a "dependent child" under the City's group health insurance plan.

Payment of Premiums for Continuation Coverage
The covered employee, spouse or dependent is responsible for paying 100% of the group-rate premiums plus 2% (as provided by COBRA) for continuation coverage. COBRA premium due dates are the first of each month.

Group Insurance Fund Administrator
C.O.B.R.A. benefits are administered by the Plan Administrator for United Health Care of the River Valley. For answers to specific terms and conditions and other questions about C.O.B.R.A., the employee should review the Very Important Notice regarding C.O.B.R.A. rights currently on pages 31, 32, 33 of the employee's United Health Care of the River Valley booklet or contact the Plan Administrator shown below.

Status Changes
The City and the Plan Administrator must be notified immediately upon any of the above qualifying events and the desire to continue coverage by the employee, spouse, or dependent.

If a covered employee, spouse or dependent changes marital status, or the employee or spouse has changed address, they should immediately notify the City and the Plan Administrator or his agent shown below.

Fund Administrator
Where the foregoing text instructs a covered employee, spouse or dependent to contact the Plan Administrator, please refer to information below or as stated in the United Health Care of the River Valley policy handbook provided to employees annually. Employees are reminded to refer to the United Health Care of the River Valley booklet for additional information, requirements, notification requirements, and recent updates or changes.

UNITED HEALTHCARE OF THE RIVER VALLEY PLAN ADMINISTRATOR

P.O. Box 5230

Kingston, New York 12402-5230

GROUP LIFE INSURANCE

At the present time, the City pays the full cost of maintaining a Twenty-Five Thousand Dollar ($25,000.00) life insurance policy with accidental death and disability provisions for each active, full-time, regular employee. This coverage is in force until the employee reaches the age of 70, at which time the life insurance will reduce by 75% and the accidental death and disability provision terminates. In the event the employee is not in an active status, the employee is responsible for paying 100% of the premiums to continue life insurance coverage.

Optional dependent life coverage is also available at a minimal cost to the employee.

NON-UNIFORMED EMPLOYEES RETIREMENT PLAN

The following paragraphs are provided to give a brief summary of the major provisions of the City of North Little Rock Non-Uniformed Employees' Pension Plan. The complete Plan and Trust document, as restated in Ordinance No. 7434 passed by the City Council on February 25, 2002, may be reviewed in the City Clerk's Office, the Finance Department, or the Human Resources Department. In the event of a conflict between the information provided herein and the provisions contained in the complete Plan and Trust document, the complete Plan and Trust Document will be the ruling authority.

Definitions

"Final Average Compensation" - For a member other than an elected official of the City, the average annual Compensation of his five (5) highest calendar years regardless of whether those five (5) years are consecutive and regardless of whether those five (5) years are included in whole or in part in the Employee's Credited Service; provided that, if the member's entire period of service is less than the specified period, the member's Final Average Compensation shall be determined by averaging (on an annual basis) the Compensation received by the member during the member's entire period of service for the City. With regard to a member who is an elected official of the City, Final Average Compensation shall mean the annual Compensation received during his or her final twelve (12) months of City Service.

"Joint and Survivor Annuity" - An immediate annuity for the life of the member that provides an annuity for the life of the spouse which is not less than fifty percent (50%) and not more than one hundred percent (100%) of the amount of the annuity which is payable during the joint lives of the member and the spouse and which is the amount of benefit that is the actuarial equivalent of the normal form of benefit, or, if greater, any optional form of benefit.

"Member" - Any employee included in the membership of the Retirement System.

"Normal Retirement Age" - The earlier of the member's attainment of age sixty-two (62) and ten (10) years of Credited Service or his attainment of age sixty-five (65), unless otherwise provided herein.

"Normal Retirement Benefit" - The benefit of a member payable upon attainment of his Normal Retirement Date as set forth herein.

"Normal Retirement Date" - The first day of the month coincident with or next following the date the Normal Retirement Age is attained.

"Past Service" - For each Employee, the total of the number of years for which he is entitled to service credit under the plan prior to January 1, 1977.

"Plan Administrator" - The City of North Little Rock Retirement Board, which shall be appointed and operate in accordance with the provisions of Article III herein.

"Prior Service" - City Service rendered by an employee before January 1, 1977.

"Prior Plan" - shall mean the plan which existed prior to January 1, 1977, and/or prior to January 1, 1988.

"Retirement System" or "Plan" - The Retirement System of the City of North Little Rock provided for in this Agreement, together with any amendments or supplements thereto.

"Spouse" - A person who was lawfully married to a Member at the time of his death and who survives the Member.

"Straight Life Annuity" - An annuity payable in equal installments over the life of the Member that terminates upon the Member's death.

"Vested Interest" - The Employee's non-forfeitable interest in benefits of the Plan attributable to City Contributions.

"Year(s) of Credited Service" - The total of the following:

(a) Years of Service prior to January 1, 1977, for which the Employee is entitled to service credit as the result of his participation in the Plan prior to its amendment and restatement.

(b) Years of Service on and after January 1, 1977, for which the Employee has made Contributions required for participation in the Plan.

"Year of Service": Each 12-consecutive month Plan Year during which the Employee completes at least 1,000 Hours of Service, including years prior to the Effective Date.

Eligibility Requirements
All employees shall be Members and be included in the Retirement System as a condition of continuing in or obtaining employment with the City.

Commencement of Participation
Participation in the Retirement System shall commence on the employee's Entry Date. Each employee becoming a member of the Retirement System shall be subject to all of the provisions of the Plan and all amendments thereto and to all rules and regulations adopted from time to time by the Retirement Board.

Termination of Participation
A member shall remain a member until the entire amount of his Benefit is distributed to him or his Beneficiary in the event of his death under the terms of this Plan.

Amount of Contributions
Member Contributions. At the current time, the rate of contributions for members is four percent (4%) of each member's compensation from the city. Contributions are accomplished through payroll withholdings.

City Contributions
At the current time, the City's aggregate monthly payment shall be six percent (6%) of the total compensation of each member

Payment of Retirement Allowances
All Retirement Allowances granted shall be paid in monthly installments.

Benefit
The amount of any form of benefit under the terms of the plan will be the actuarial equivalent of the member's accrued benefit in the normal form commencing at normal retirement age.

Normal Retirement
Qualification for full service benefits under normal retirement for a member, other than for an elected official, occurs when he reaches his normal retirement date. Any member reaching his normal retirement date may retire thereafter by submitting written application to the retirement board at least thirty (30) days prior to his actual retirement date.

Normal Retirement Allowance
Upon reaching his normal retirement date, a member other than an elected official shall be entitled to receive a lifetime normal retirement allowance equal to the monthly benefit determined under the following formula:

> 1.8% of the member's Final Average Compensation (as defined in the "Definitions" section) multiplied by the member's number of Years of Credited Service.

The retirement allowance of a currently-employed member who retires after having attained the age of 65 with a minimum of twenty (20) years of credited service will be calculated using the following formula:

> 2.0% of the member's Final Average Compensation(as defined in the "Definitions" section) multiplied by the member's number of Years of Credited Service/

Early Retirement
Any member, other than an elected official, shall be eligible for Early Retirement at such time that the member has completed at least ten (10) Years of Credited Service, provided that no Early Retirement shall commence more than eighty-four (84) months prior to the Member's attainment of the earliest Normal Retirement Age.

Early Retirement Allowance
Any member who has satisfied the requirements for Early Retirement shall receive, beginning as of his Early Retirement Date, an Early Retirement Allowance determined as set forth in section above, which is unreduced when the Early Retirement Date occurs on or after the member's sixtieth (60th) birthday. The Early Retirement Allowance for retirements commencing prior to attainment of age sixty (60) shall be reduced by 1/3 of 1 percent per month times the number of months or partial months by which the Early Retirement Date precedes the member's attainment of age 60.

Disability Retirement
Any member, other than an elected official, shall be eligible to exercise the Disability Retirement Allowance option described below if he becomes totally and permanently disabled after having attained the age of fifty (50) and having ten (10) Years of Credited Service. A member who is an elected official of the City shall be eligible to exercise the Disability Retirement Allowance option if he becomes totally and permanently disabled after serving at least four (4) Years of Credited Service as an elected official.

A member shall be considered to be totally and permanently disabled for the purpose of payment of a Disability Retirement Allowance upon the determination of the examination of two disinterested physicians appointed by the Retirement Board whose reports reflect the date that disability commenced and that such member is mentally or physically incapacitated so as to be wholly unable to properly further perform his duties in City Service. Provided, however, that any member found to be totally and permanently disabled for purposes of Social Security benefits shall be eligible for a Disability Retirement Allowance. All determinations in connection with the permanence and degree of such disability shall be made by the Retirement Board in a uniform, nondiscriminatory manner on the basis of medical evidence

Disability Retirement Allowance
Any member who becomes totally and permanently disabled after having ten (10) Years of Credited Service shall have the option to either:

(i) Take a lump sum payment at the time of his commencement of disability equal to the sum of Contributions made by the member and by the City for that Member prior to that Member's commencement of disability; or

(ii) Upon reaching the age of fifty (50) and having ten (10) Years of Credited Service receive a Normal Retirement Allowance as provided for above.

The Joint Survivor Option is not available to employees under the disability option.

Joint and Survivor Option (*not available to members under the disability retirement option*)
By filing an application with the Retirement Board at least ninety (90) days in advance of his scheduled Retirement Date, a member may designate his Spouse to receive a pension payable in the form of a joint and survivor annuity, in lieu of a pension to which he may otherwise have been entitled upon Normal or Early Retirement. In such event, the member shall receive an actuarially reduced pension payable for his life, which, after such member's death, a percentage of the pension payable to the member shall be payable to the contingent pensioner during the contingent pensioner's lifetime, based upon prior election by the member. The aggregate of the pension payments expected to be made to a member and his contingent pensioner under the joint and survivor option shall be the actuarial equivalent of the pension which the member would have otherwise been entitled to receive upon his Normal or Early Retirement. Provisions applicable to the joint and survivor annuity are set forth hereafter in the section entitled, "Distributions."

Termination of Option
Any optional retirement benefit election made shall become inoperative in the event that the member's death occurred prior to the date of his retirement, or the member's spouse is not surviving (in the event that a joint and survivor option is elected on the member's retirement date), or the member's retirement occurs as a result of disability.

Rollover Option in Lieu of Retirement Allowance
By filing application with the Retirement Board at least thirty (30) days in advance of his or her scheduled retirement date, an employee may elect the option of having his or her Vested Interest rolled over into another qualified pension fund or Individual Retirement Account. Provisions applicable to this option are set forth hereafter in the Section entitled, "Portability. "

Death While In City Service
If a member shall die while in City Service, an annuity of fifty percent (50%) of such member's Accrued Retirement Benefits, computed using his Credited Service and Compensation to the date of death, shall be payable to his spouse, provided that such deceased member shall have then attained age fifty (50), shall have been married to said spouse for one (1) year, and shall have completed ten (10) Years of Credited Service. If the employee's death occurs after his having reached normal retirement age, the annuity benefit shall not be less than 100% joint survivor benefit computed as of the date of the employee's death. The annuity shall be payable for the life of the spouse. If there is no surviving spouse at the time of the member's death, the annuity benefit provided pursuant to this section shall be paid instead in equal shares to the then surviving children, if any, of the deceased member. The annuity shall be payable to such children until each of their eighteenth (18th) birthdays or, if enrolled full-time in an accredited educational institution, shall continue until their twenty-third (23rd) birthday.

Death After Retirement
If a Member shall die following his Normal Retirement or Early Retirement from City Service, his beneficiaries will receive the excess, if any, of the accumulated value of such Member's vested Contributions, increased with four percent (4%) interest to the date of his retirement, over the retirement benefits previously received by such Member.

Death After Disability Retirement
If a member has been retired from City Service due to total and permanent disability and thereafter dies, and if that member had previously taken a lump sum payment at the commencement of disability upon becoming disabled, then the member's surviving spouse (or living children under the age of 18 at the time of the member's death if there is no surviving spouse) is entitled to no annuity or other benefits under this Plan upon the Member's death.

If, however, a member has been retired from City Service due to total and permanent disability and thereafter dies, and if that member had previously received a pension allowance upon becoming disabled, then the member's surviving spouse shall receive the excess, if any, of the accumulated value of such Member's vested Contributions, increased with four percent (4%) interest to the date of his retirement, over the retirement benefits previously received by such Member. If the member dies leaving no surviving spouse, the benefit provided in this section shall be paid in equal shares to the deceased member's then-living children who have not reached the age of 18 at the time of the member's death.

Separation Benefits
(a) Any member terminating his City Service without being eligible for Normal Retirement, Early Retirement or Disability Retirement, all as defined herein, shall in such event receive the accumulated value of his vested Contributions increased with four percent (4%) interest to the date of his termination of employment. Provided however, that any such terminating member who has a one hundred percent (100%) vested and nonforfeitable interest in his City Contributions account shall have the option to select one (1) of the following forms of Separation Benefits:

1) The member may receive the accumulated value of his vested Contributions as set out above in a lump sum payment; or
2) Upon reaching Normal Retirement Age, the member may receive a Normal Retirement Allowance or,
3) If the member has not reached age sixty-two (62) at his date of termination, the member may receive the accumulated value of his vested Contributions increased with four percent (4%) interest to the date of his termination of employment in lieu of a pension.

(b) The member must exercise one of the options listed in Paragraph (a) within thirty (30) days of his separation from City Service.

Employee Contributions
Anything contained herein to the contrary notwithstanding, upon the separation from City Service or upon the death of an employee who is not eligible for Death Benefits, an employee or his beneficiary or his estate may withdraw all of his Employee Contributions plus interest at the rate of four percent (4%) per annum to the date of separation from City Service or the date of death.

NOTE: Employees considering lump sum distributions should discuss all options with their tax advisor prior to making a decision because of potentially costly IRS withholding requirements.

Discharge for Cause
In the event a member is discharged from City Service because of his proven or admitted embezzlement or fraud connected with his employment, or his proven or admitted conversion or misappropriation of City property, neither he nor his spouse nor other beneficiaries shall be entitled to receive any benefits, except as provided in the following, from the Retirement System regardless of his age and service on the date of his discharge. In applying this provision, any indebtedness owed to the City by a dismissed member due to his proven or admitted embezzlement, fraud, conversion or misappropriation, shall constitute a lien upon such member's accrued benefits in the Retirement System and such lien shall be discharged by payment, on behalf of the dismissed member, from such accrued benefits. From any remaining accrued benefits, a dismissed member shall be paid his own respective Contributions to the Retirement System, without interest, with any balance being forfeited and applied to reduce the cost of the Retirement System to the City.

Vesting
Employee Contributions.
Each member shall at all times be one hundred percent (100%) vested and have a nonforfeitable interest in his Employee Contributions Account.

Employer Contributions.
(a) Subject to Section 2.4.2 of the Plan, if the employment of a member terminates by reason of resignation or discharge prior to his Normal Retirement Date, he shall be vested and have a nonforfeitable interest in a percentage of his Vested Retirement Benefit, determined, unless otherwise specified under the Plan, by taking into account all of his Years of Service as of such termination date in accordance with the following vesting schedule:

Years of Credited Service	Percent Vested
Less than 10	0%
10 or more	100%

(b) Employees who are appointed and do not have a right to appeal a discharge from employment shall be 100% vested in the Employer Contribution Account immediately following the completion of two (2) full Years of Credited Service.

Spousal Consent Required for Waiver of Joint and Survivor Annuity
An election to waive any annuity form of benefit shall not take effect unless:

- the spouse of the member consents in writing to the election;
- the election designates a beneficiary or a form of benefits which may not be changed without spousal consent (or the consent of the spouse expressly permits designations by the member without any requirement of further consent by the spouse);
- the spouse's consent acknowledges the effect of such election and is witnessed by a Plan representative or a notary public; or
- it is established to the satisfaction of the Plan Administrator that such consent cannot be obtained because there is no spouse, because the spouse cannot be located, or because of other circumstances permitted by applicable regulations.

A spouse may not revoke the consent without the approval of the member. The designation of a beneficiary other than the spouse of the member with the consent of such spouse and any consent must acknowledge the specific non-spouse beneficiary, including any class of beneficiaries or any contingent beneficiaries.

Loans Prohibited
No loans of any assets of the Plan shall be made to any members or beneficiaries.

SECTION 7.

LEAVES & TIME OFF BENEFITS POLICIES & PROCEDURES

ANNUAL LEAVE

Scheduling and Approval

Routine requests for annual leave must be scheduled as far in advance as possible, and at times and in increments that cause the least interference with departmental operations and the employee's work. If necessary, department heads may establish limits on the consecutive number of days an employee may use annual leave in any period of time, except when annual leave is being used because paid sick leave is not available. Requests for leave may be denied if the employee has not complied with the required advance request and notice requirements of the department, or when the dates requested could adversely affect the efficient operation of the department. Any employee who takes leave and does not have a sufficient leave balance available, will be charged leave without pay (LWOP).

Revocations

Previously-approved leave requests may be cancelled if necessary to carry out essential work of the department due to emergencies or other unforeseen conditions. In such cases, every effort will be made by the department head not to cancel previously-approved leave requests of employees who will experience a significant financial or other hardship provided the employee can provide acceptable verification of such loss or hardship or an acceptable explanation of a compelling situation indicating why they will be harmed by the cancellation of pre-approved leave.

Conflicts in Requests for Leave

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

Earning Schedule

Eligible employees begin to earn paid annual leave benefits starting on the date of hire and are eligible to use accumulated annual leave after six (6) months of service with the City. Annual leave shall be earned according to the following table.

Years of Service on Anniversary Date (From Date of Hire)	Annual Earning Rate	Earning Rate Per Pay Period
Up to 3 years (36 mos.)	10 days (80 hrs.)	3.08 hrs.
3 - 10 years (120 mos.)	15 days (120 hrs.)	4.62 hrs.
10 - 20 years (240 mos.)	18 days (144 hrs.)	5.54 hrs.
20 years (240 mos.) and over	22 days (176 hrs.)	6.77 hrs.

Accrual and Accumulation

Annual leave may be accrued to a maximum accumulation of thirty (30) working days. Accumulated annual leave benefits exceeding thirty (30) days shall not be carried over beyond the end of each calendar year. Payments in lieu of taking annual leave are not permitted.

Payment for Unused Annual Leave

Employees shall be paid for unused accumulated Annual Leave up to a maximum of thirty (30) days at the time of separation from City employment.

DISCRETIONARY LEAVE

Limitations

Discretionary leave (also known as “personal leave”) may be taken only after it has been earned and it must be used during the calendar year in which it is earned. Discretionary leave does not accumulate and there shall be no carry-over at the end of a calendar year. There shall be no payment for unused discretionary leave or upon the employee's separation from employment.

Service Requirements

Eligibility for Discretionary Leave	
Number of Years of Employment	**Entitlement**
2 - 5 years of continuous service on January 1	16 hours that calendar year
5 - 10 years of continuous service on January 1	32 hours that calendar year
10 - 15 years of continuous service on January 1	40 hours that calendar year
15 yrs. or more of continuous service on January 1	48 hours that calendar year

SICK LEAVE BENEFITS

Eligible Employees

Full-time, regular employees are eligible to accrue sick leave benefits starting on the date of hire at the rate of 6.15 hours per pay period – twenty (20) days per year, with no limit on maximum accumulation

Permitted Uses of Accumulated Sick Leave Benefits

Accumulated sick leave benefits may be authorized for use by the department head for the following reasons:

- *Employee Incapacity*. Employees may be approved to use accumulated sick leave benefits when they are incapacitated and unable to work due to non-work related illness or injury, or for medical, dental and optical appointments, treatments or examinations or for absences when they are released by a medical provider to return to work but with temporary work restrictions requiring a temporary reduced or intermittent work schedule.
- *Care for Immediate Family Members*. Up to a maximum of five (5) days per calendar year of accumulated sick leave benefits may be approved to provide compensation during absences to care for a member of the employee's immediate family (as defined below) when it is necessary for the employee to personally care for the family member while he/she is incapacitated, or to personally accompany the immediate family member to medical, dental and optical appointments, examinations or treatments. To be eligible for paid sick leave during such absences, the employee must provide sufficient information for the supervisor or department head to determine that the employee's absence is necessary to accompany the immediate family member for medical, dental or optical examinations or treatments, including the type of assistance or care the employee provided, or will provide, to the immediate family member, and to determine if such absence is FMLA-qualifying

Employees are expected to make every effort to plan ahead and schedule all routine, non-emergency appointments early in the day before work, or at the end of the day, or as otherwise directed by their supervisor or department head.

Employees with routine appointments scheduled early in the work day or during the work day, or who require immediate medical treatment, are expected to report to work following the appointment or treatment unless they or their family member are incapacitated and unable to work and the extended absence is medically recommended as necessary. The department head (or authorized designate) may require the employee to provide medical verification certifying the employee's need to be absent for the duration of the absence.

Scheduling Non-Emergency Appointments

Before making routine, non-emergency medical, dental or optical appointments employees are expected to consult with their department head or supervisor before making the appointments as far in advance as possible to ensure that absences can be planned at times to least affect the work schedule of the employee and/or the department. Failure to do so may result in denial of leave.

Medical Verification of the Need for Leave

Employees must provide medical verification in a form approved by the City of the need for medical leave for any sick leave absence lasting or expected to last in excess of three (3) working days. ***Forms are available in each department and in the Human Resources Department for employees' use***. If the City disagrees with the medical opinion provided by the employee's medical provider, the City, at its expense, may require a second medical opinion. In the event the first and second medical opinions differ, the City may acquire, at its expense, a third medical opinion. The medical provider for the third medical opinion will be selected jointly by the City and the employee. The third medical opinion will be binding on both parties.

Return to Work Fitness for Duty Release.

A medical fitness for duty release is required for all employees who return to work from medical leave of any kind that exceeds three (3) working days.

Restrictions on Use of Accumulated Sick Leave Benefits

- Sick leave benefits shall not be used to provide compensation during absences caused by on-the-job injuries or illnesses. Workers' Compensation Benefits provide the exclusive remedy for on-the-job injuries and illnesses.
- Employees released by a medical provider to return to work with or without temporary work restrictions, are no longer eligible to use accumulated sick leave benefits because they are no longer incapacitated or unable to work.
- Employees who refuse temporary light duty that is available and permissible within the employee's medically-prescribed temporary work restrictions are not eligible to use accumulated sick leave benefits to remain off work. However, employees on designated FMLA leave who are medically released to return to work with temporary work restrictions may lawfully decline an offer of a temporary light duty assignment. However, the remainder of the employee's FMLA leave entitlement will be unpaid unless the employee has other accumulated paid leave available.
- Employees absent from their City job who are found working for another employer are not eligible to use sick leave benefits.

Misrepresentations
False claims of sickness in order to avoid work and draw paid sick leave benefits will not be tolerated. When it is found that an employee has falsely misrepresented the reasons for an absence, appropriate action will be taken that may include, but is not limited to, denial of paid leave benefits, charging available annual or personal leave in lieu of sick leave benefits, or disciplinary action including discharge.

Immediate Family Definitions

Paid Sick Leave Benefits
Immediate family for purposes of paid sick leave benefits is spouse, child, parent, sibling, grandparent, parents-in-law, and if living under the same roof with the employee, any relative or relative by marriage for care of a family member.

FMLA Leave Entitlements
The FMLA defines immediate family as child, spouse, or parent. During FMLA leave involving an employee's child, spouse or parent, the current policy maximum of five (5) days per year of the employee's accumulated paid sick leave benefits will be substituted to provide compensation.

FMLA Sick Leave Bonus
Employees who exceed the number of minimum absences required to obtain the attendance bonus (regardless of whether the absences are FMLA qualified) will ***not*** be eligible to receive the bonus.

Eligibility for Payment of Unused Accumulated Sick Leave
Employees who retire, resign or die while in service are eligible for payment of unused accumulated sick leave after completion of ten (10) years' service at the regular rate of pay in effect at the time of resignation, retirement, or death up to the maximum shown in the schedule below. Employees discharged for cause shall not receive payment for unused sick leave. If an employee dies in service, the employee's beneficiary is entitled to receive payment for unused sick leave and annual leave that the employee would have been entitled to receive if upon resignation or retirement.

Payments for unused accumulated sick leave are limited to the years of service and amounts shown in the following schedule.

YRS.OF SERVICE	RATE OF PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT, RESIGNATION OR DEATH AFTER COMPLETION OF 10 YEARS' SERVICE.
10 years	100% of accumulated sick leave up to maximum of 480 hours (60 days)
20 years	100% of accumulated sick leave up to 480 hours (60 days) plus 50% of the accumulated sick leave in excess of 60 days, not to exceed a maximum payment of 720 hours (90 days).

Sick Leave Bonus
Upon the accumulation of sixty (60) days of sick leave, employees are eligible to receive a bonus payment for sick leave earned,

but not used, during the following calendar year as indicated by the following table. Absences that have been designated as FMLA leave ***shall be counted*** in the number of sick leave absences for purposes of calculating eligibility for bonus payments.

Method of Calculation

PREVIOUS YEAR'S SICK LEAVE USE	PAYMENT FOR PREVIOUS YEAR'S UNUSED SICK LEAVE ACCUMULATION
0 – 3 days (0-24 hours)	$10/day for remainder of yearly accumulation (Maximum: $200.00)
4 – 6 days (25-48 hours)	$5/day for remainder of yearly accumulation (Maximum: $80.00)
7 or more days (49 or more hours)	- 0 -

If an employee uses any part of a day over 3 days (24 hours) or 6 days (48 hours), it is considered the next category for purposes of calculating the amount of the sick leave bonus payment.

Maximum Payable
Sick leave bonus shall not exceed $200.00 per year. Payment shall be made on or before January 31 of each year following the year in which the sick leave was earned and not used.

ABUSE OF SICK LEAVE

Abuse Defined

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

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

Exception

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

Sickness In Family Absences Included in Employee's Attendance Record

Paid sick leave benefits charged for absences to care for immediate family members are included in the employee's attendance record. However, medically-verified FMLA qualifying and designated leave is not counted when determining abuse of sick leave or unsatisfactory attendance.

Department Head Authority

When the pattern of an employee's sick leave use indicates abuse, the department head or his designated representative shall be authorized to:

- verify the necessity for all claims of temporary incapacity personally, either by telephone or home visit;
- require the employee to obtain a medical provider's statement on a form meeting the City's requirements verifying the employee's incapacity and inability to work during all hours absent for each subsequent period of absence for which sick leave is claimed for a period of ninety (90) working days after being notified that a pattern of sick leave abuse has been established.
- take disciplinary action, including discharge, when the employee has the ability to correct the abuse of sick leave but fails to do so.

An employee may be required to report for a job-related, fitness for duty evaluation by the City's physician, at City expense if it is reasonably suspected that the employee is unable to perform one or more of the essential functions of his/her job, including, but not limited to, the ability to maintain regular and predictable attendance and, if required by the position, the ability to answer call outs at any time of the day or night, or to work overtime hours.

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

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

Corrective Action
Department heads are required to monitor employee attendance and are responsible for taking corrective action, including discharge, to correct abuses of sick leave benefits or violation of the attendance policies.

Verification of Doctor's Notes/ Medical Excuses
If a supervisor suspects the medical verification of an employee's medical statement/doctor's letter is fraudulent, the supervisor should contact the Human Resources Department. A representative of the Human Resources Department may contact the doctor's office/clinic for medical verification. If the employee is on FMLA leave, then the Human Resources Department will advise the employee in writing what additional information will make the certification sufficient. The employee must then provide the requested information within seven calendar days. After seven days, the Human Resource Department will contact the employee's doctor for authentication of the certification.

Supervisors are prohibited from contacting an employee's medical provider.

FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

Provisions

The Family Medical Leave Act of 1993 (FMLA) became effective August 5, 1993, and provides eligible employees unpaid medical leave as needed for up to twelve (12) weeks per calendar year for qualifying reasons. This policy may be revised from time to time when revisions are made by Congress or the Department of Labor. Procedures may change from time to time as deemed necessary and expedient.

Eligibility

Any employee who has been employed at least 12 months (need not have been consecutive) and has actually worked at least 1,250 hours during the 12 months immediately preceding the date of the commencement of the leave is eligible for up to twelve weeks of unpaid FMLA leave. All classes of employees are eligible providing they meet the foregoing requirement and the need for leave is verified by the medical provider.

Husband and Wife Both Employed by City

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

Military Employees Returning from Active Duty

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

Military FMLA

Employees seeking 12 weeks of "covered active duty" military FMLA due to a qualifying exigency, are required to provide proof of verification for the covered service member. The employee must provide a copy of the covered service members' military orders. In order to qualify as "covered active duty, a military member must be deployed to a foreign country.
Employees seeking 26 weeks of medical FMLA are required to provide a copy of the covered service members' military orders. The employee is also required to submit medical provider certification of the covered service members' medical illness or injury. Under this provision qualifying employees are entitled to a combined total of 26 weeks of FMLA.

Notifications of Need for FMLA Leave

The request and notification requirements for FMLA leave are the same as those for requesting other types of paid leave. Written notice must be provided thirty (30) days prior to any foreseeable leave, such as childbirth, adoption, or planned medical treatment. However, if emergency conditions prevent thirty (30) days notification, you must notify your department head or supervisor as soon as possible, preferably within fifteen (15) days of the emergency. When leave is needed for an immediate family member or the employee's own illness, and the leave is for planned medical treatment, the employee must try to schedule such treatment so as not to unduly disrupt the department's operations.

Medical Provider Certifications of the Need for FMLA Leave

The medical provider certification to verify a serious health condition for FMLA leave are the same as required for eligibility for sick leave benefits. Employees must provide medical verification of the need for medical leave. If the City disagrees with the

medical opinion provided by the employee's medical provider, the City, at its expense, may require a second medical opinion. In the event the first and second medical opinions differ, the City may acquire, at its expense, a third medical opinion. The medical provider for the third medical opinion will be selected jointly by the City and the employee. The third medical opinion will be binding on both parties.

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

Status Reports
Employees on medical leave must provide periodic reports as directed by the department head regarding their status and intent to return to work.

Contacting Employee's Health Provider
An employer may contact an employee's health care provider for "clarification". Direct supervisors are prohibited from contacting an employee's health care provider.

FMLA Qualifying Events

- The birth of a son or daughter and to care for the newborn child. Circumstances may require that leave begin before the actual date of the birth of a child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. Leave for the birth of a child must be concluded within 12 months after the birth.
- The placement of a son or daughter with the employee for adoption or for foster care. (Foster care is defined under the Act to require State action, rather than just an informal arrangement to care for another person's child). Leave can also begin before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. Leave for adoption or foster care must be concluded within 12 months after the event.
- The employee is needed to care for the employee's spouse, child, or parent with a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of the employee's job. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. The City may, in requiring certification from a health care provider, provide the employee's medical provider a statement of the essential functions of an employee's position for the medical provider to review.
- In the event of a spouse, child or parent of covered service member called to active duty.
- To care for the employee's "next of kin" who is a covered service member suffering from a serious injury or illness as a result of service in the United States Military, the period of FMLA is 26 weeks of leave during a 12 month period.
- In the event of any "Qualifying Exigency" resulting from active duty military service.

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

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

Additional Paid Sick Leave Benefits

Eligibility. Those employees who have accumulated over 300 days sick leave will be eligible to apply for additional paid sick leave benefits beyond the twelve weeks of leave provided by the FMLA.

Entitlement. If available, up to 13 weeks additional paid sick leave may be taken for the care of a child or spouse, after an employee has taken his or her 12 weeks of FMLA leave. Time may only be taken in weekly increments.

Available Days. Available days will be those accumulated by an employee **in excess** of 300 days.

Requirements. In order for an employee to be eligible for additional paid sick leave in excess of 12 weeks, the employee must provide a written notice from the physician to the employee's department head stating the nature of the illness of the child or spouse and that extended personal care by the employee is required for the patient.

Definitions

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

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

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

Active Duty- The term "*active duty*" means duty under a call or order to active duty (or a notification of an impending call or order to active duty) in support of a contingency operation pursuant to Section 688 of Title 10 of the United States Code.

Next of Kin –The term "*next of kin*" used with respect to an individual, means the nearest blood relative of that individual in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.__This term only applies to employees requesting 26 weeks of Military FMLA due to serious injury or illness.

Covered Service Member- The term "*covered service member*" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty in the Armed Forces; or an illness or injury aggravated in the line of duty.

Covered Active Duty- The term "covered active duty" means the military member **must now be deployed to a foreign country.**

Covered Veteran- The term "covered veteran" means an individual who must have been discharged under conditions other than dishonorable within (5) fine years of the first date an eligible employee take FMLA leave to care for the covered veteran.

Qualifying Exigency – The term "qualifying exigency" may be defined as any of the following events that arise out of active duty employment:

1. Issues arising from a covered military member's short notice deployment (i.e. deployment on seven or less day of notice). Leave taken for short term deployment must be taken within seven (7) days of the date of notification of deployment;
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and information briefings sponsored or promote by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
3. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare. Providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or day care facility if they are necessary due to circumstance arising from the active duty or call to active duty of the covered military member;
4. Making or updating financial and legal arrangements to address a covered military member's absence;
5. Counseling;
6. Rest and recuperation; an employee may take up to (15) calendar days for rest and recuperation
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
8. Parental care leave to care for the parent of a military-member that has been place on covered active duty

military

9. Any other event that the employee and employer agree is a qualifying exigency.

In the event the employee and the employer cannot agree to item number eight (8) listed above, the employer may reserve the right to deny the employee's request.
Eligible employees are required to use paid annual leave for a Non-Medical Military FMLA request. Sick leave may not be used for Non-Medical FMLA.

"Clarification" – The term "clarification means contacting the employee's health care provider in order to understand the handwriting on the medical certification or to understand the meaning of a response; no additional information beyond that included in the certification form will be requested and any contact with the employee's health care provider will comply with the requirements of HIPAA Privacy Rule.

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

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

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

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

"Physical or mental disability" means a physical or mental impairment that substantially limits one or more or the major life activities of an individual as defined by 29 CFR § 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq. and all applicable Court decisions.

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

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

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

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

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

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

care provider; OR, treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

- any period of incapacity due to pregnancy, or for prenatal care;
- any period of incapacity or treatment for such incapacity due to a chronic health condition;
- a period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease; or
- any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc., severe arthritis (physical therapy), kidney disease (dialysis).

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

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

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

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

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

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

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

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

Chronic Conditions
Absences attributable to incapacity due to a chronic serious health condition qualify for FMLA leave even though the employee

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

Substitution of Paid Leave Benefits for Unpaid FMLA Leave Entitlements
Accumulated Sick Leave, Annual Leave and Discretionary Leave benefits, respectively, shall be substituted and be charged concurrently with unpaid FMLA entitlements for qualifying employee medical conditions other than on-the-job injuries. Substitution of paid leave benefits for unpaid leave does not extend the total length of the FMLA entitlement.

If all paid leave benefits that an employee is eligible to use for the specific situation under current City policy become exhausted prior to the expiration of the employee's unpaid FMLA entitlement, the remainder of the FMLA entitlement (if any) shall be unpaid.

Employees released by the medical provider with work restrictions requiring modified or temporary light duty may decline to return to work in a temporary light duty assignment while on FMLA leave. However, the remainder of the FMLA entitlement will be unpaid unless there are other paid leave benefits for which the employee is eligible under the circumstances. Sick leave is only payable if an employee is incapacitated and unable to work.

Employees working for another employer while on FMLA leave shall not be eligible for paid sick leave benefits since they are not incapacitated and unable to work. Annual leave or personal leave will be substituted concurrently with FMLA and when exhausted, the remainder of the FMLA entitlement shall be unpaid.

Workers' Compensation Benefits
When an employee is on leave due to an on-the-job injury or illness which is a serious health condition under the FMLA, the workers' compensation absence and FMLA will run concurrently. Sick leave benefits shall not be used to provide compensation during absences due to on-the-job injuries.

The City provides supplemental payments while injured employees are drawing Workers' Compensation (WC) Total Temporary Disability (TTD) payments from the City's WC Administrator. These supplemental payments are provided for a limited period while employees are drawing WC TTD payments so the employee will experience no reduction in compensation.

WC TTD payments and the City's supplemental payments shall substitute for any unpaid FMLA leave entitlement as long as employees remain eligible for the WC TTD payments.

Employees who receive a medical release to return to work with temporary work restrictions requiring temporary modified or light duty may decline to return to work while on FMLA leave for on-the-job injury/illness.

Refusals to accept offers of temporary modified or light duty are required to be reported to the WC Administrator. The City is also required to report any knowledge it has regarding employees working for another employer while absent and drawing WC TTD benefits. This may or may not result in the denial of further WC TTD wage payments. The decision to suspend TTD payments is made by the Workers' Compensation Administrator.

Once an employee is no longer receiving the WC TTD payments, the employee is no longer eligible for the City's supplemental payments. If the employee has available annual leave or personal leave, it will be substituted concurrently with the FMLA leave until exhausted, after which any remaining FMLA entitlement will be unpaid.

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

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

To be eligible for intermittent leave or leave on a reduced work schedule, there must be a medical need for leave (as

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

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

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

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

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

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

Possibility of Transfers Due to Intermittent and Reduced Schedule Leave
During periods of intermittent leave or reduced work schedule, the City may require the employee to transfer temporarily to an available alternative position with equivalent hourly rate of pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Such transfer may include transfer to an alternative full-time position that better accommodates the employee's need for intermittent leave or reduced work schedule or to a part-time job with equivalent hourly rate of pay and benefits or altering an existing job to better accommodate the employee's need for intermittent or reduced schedule leave. The employee will not be required to take more leave than is medically necessary and transfers or reassignments will be made in such a manner so as to not work an undue hardship on the employee. When an employee who has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he/she left when the leave commenced.

Designating Leave As FMLA Leave

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

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

Such designation is based on information provided by the employee. If the employee is incapacitated, the information must be provided by the employee's spokesperson (the employee's spouse, adult child, parent, doctor, etc.) If the supervisor or department head does not have sufficient information about the reason for an employee's absence, the supervisor or department head shall inquire further of the employee or the spokesperson to ascertain whether or not the absence should be

designated as FMLA leave. Once the department head (or authorized designate) has acquired knowledge that the leave is being taken for an FMLA reason, the department head (or authorized designate) must promptly (within two business days without extenuating circumstances) notify the employee whether the leave is FMLA qualifying and whether or not the employee is eligible for FMLA.

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

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

Employees requesting to use Discretionary or Annual Leave or comp time off for medical reasons must likewise inform the department head of the reasons for the absence(s) to allow the department head (or authorized designate) to determine whether the leave is FMLA-qualifying and should be designated as such.

To Determine Eligibility and Need
As stated previously, an employee must state a qualifying reason for needing leave to allow the department head to designate eligibility for leave under the Act. Medical certifications are required. All requirements to determine eligibility and need for unpaid FMLA leave, whether foreseen or unforeseen, are the same as those outlined in the medical leave policy.

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

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

Employees who have been medically-released to return to full duty and who do not report to work the next work day following expiration of their FMLA leave may become subject to discharge.

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

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

Intent Not to Return to Work
If any employee unequivocally informs the City that he or she does not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to reinstatement, continued leave, and health benefits ceases, except as

covered by C.O.B.R.A.

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

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

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

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

Employees should contact the Finance Department as far in advance of unpaid leave as possible to obtain details about making payment. In cases of sufficient notice, it is possible to begin making extra deductions in advance so that the payments will be made and the employee will not have to be concerned about them while off on unpaid leave. All insurance payments are paid one month in advance, i.e., May's premium is due in April, etc.

Other Payroll Deductions
While an employee is on paid leave the City will continue other payroll deductions for employee-elective insurance coverage or other elective payroll deductions, such as contributions to the Deferred Compensation program or the Credit Union. However, during periods of unpaid leave, the City will require that the employee continue to make those payments, along with the employee's share of health care payments.

Status Reports
The City requires periodic reports from an employee during leave regarding the employee's status and intent to return to work. If the employee provides a statement of intent to return to work, even if the statement is qualified, entitlement to leave and maintenance of health benefits continues. However, if the employee gives an unequivocal notice of intent not to return to work, the City's obligations to provide health benefits (except pursuant to C.O.B.R.A. requirements) and to restore the employee end.

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

Earned and Accrued Benefits
During any leave without pay, including unpaid FMLA leave employees do not earn or accumulate paid leave benefits. However, leave benefits that accumulated prior to the start of the FMLA leave that remain following the FMLA will not be lost, and use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being considered.

Non-Discrimination Policy
The City of North Little Rock is an Equal Opportunity Employer. It is the policy of the City not to discharge or discriminate against any employee exercising his or her rights under the Family Medical Leave Act. Acts of retaliation against any employee exercising his/her right to leave under the Act are prohibited.

Conflicts in Policies

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

EMERGENCY LEAVE: DEATH IN IMMEDIATE FAMILY

Provisions

Full-time, regular employees experiencing a death in their immediate family may request paid emergency leave for up to five (5) days as necessary for making funeral arrangements, attending the funeral, travel to another City, or other valid reasons occasioned by the death of a member of the employee's immediate family. Emergency leave does not accumulate or carry over from one year to another year. Sick leave shall not be used for emergency leave reasons.

This section is not intended to grant an automatic benefit of five days paid leave for every death in an employee's immediate family. Nor is it intended to provide additional time off in every case. The amount of approved time off will depend upon the need as stated by the employee and determined by the department head. If there is doubt as to the veracity of the need for the amount of time requested, the department head or authorized designate may make inquiries to verify the need. Leave is conditioned on the approval of the department head. All decisions on the amount of paid emergency leave to be granted to employees shall be made in a fair and non-discriminatory manner.

Immediate Family Defined

Immediate family for purposes of emergency leave is defined as spouse, child, parent, sibling, grandparent, mother-in-law, father-in-law, and if living under the same roof with the employee, any relative or relative by marriage.

Request Requirements

Requests for paid emergency leave must be made as soon as the employee is aware of the necessity of being absent from work. All such requests must include the number of days the employee expects will be necessary to be absent from work, the reasons why the employee needs the number of days requested, and any other information that may be requested by the department head so that a fair decision may be made on the number of days of emergency leave to approve.

Unusual Need Requests

If the employee has family responsibilities in connection with the death which will necessitate the employee's requiring more time off than the limit of five (5) paid emergency leave days, the department head may grant the employee the use of available discretionary or annual leave if the employee has provided a satisfactory explanation of the reasons why it is necessary. If none available, the employee may request reasonable leave without pay.

Other Authorized Use of Emergency Leave

The department head may grant paid emergency leave of not more than one (1) day for an employee to be a pall bearer or to attend the funeral of a co-worker in his or her department.

Violations

Employees who fail to comply with this policy, or who are absent without prior department head approval, or who are absent in excess of the approved number of days, may be denied paid leave benefits and are subject to disciplinary action, including discharge.

Employees who falsely claim a death in the immediate family, or misrepresent circumstances to justify needing more than the necessary amount of time off are subject to disciplinary action, including discharge.

JURY AND WITNESS DUTY

Jury Duty

If an employee is notified to appear for jury duty, a leave of absence with pay will be granted at the employee's regular rate of pay. Employees will be required to provide a copy of the court summons for jury service and should request some kind of written verification from the court following jury duty stating the actual time spent for jury selection and jury duty. This verification should be presented to the department head upon return to work.

Witness Duty

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

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

When the period of witness duty is completed, a proof of service document or other valid verification should be requested by the employee from the court and provided to the department head upon return to work.

Other Required Attendance Related to City Employment

If an employee is required to attend a Civil Service Commission meeting, City Council Meeting or other hearing or meeting while off duty, the hours spent attending such meeting or hearing will be counted as hours worked.

Telephone Service

If notified by telephone of a summons to court for witness or jury duty, the employee is to request a written copy of the summons, subpoena, notice to appear, or court order be presented to him as soon as possible. This must be presented to the supervisor or department head as soon as it is received.

Personal Service

If served personally, the employee must provide the department head a copy of any subpoena, summons, notice to appear or other court order as soon as possible after it has been served and before taking the leave.

Violations

Failure on the part of any employee to comply with this policy or to comply with orders and directives issued by the Civil Service Commission, the supervisor or other lawful authority, to attend meetings or hearings may result in forfeiture paid leave and disciplinary action, including discharge.

MILITARY LEAVE

Provisions

The following policy conforms to Arkansas Statutes 21-4-102, 12-62-413, and the United States Employment and Re-employment Rights Act (USERRA). Neither have been included in their entirety. For complete information on specific details it will be necessary to consult the Arkansas Code or USERRA provisions. If there is any conflict between this policy and either law, the law will prevail. If there is a conflict between Arkansas Statutes and USERRA's provisions, USERRA will prevail.

Annual Training and Duties Performed in an Official Duty Status

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

To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of the calendar year. The employee shall be entitled to his regular salary during the time he is away from his duties during such leave of absence. Such leave of absence shall be in addition to the regular vacation time allowed to the employee.

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

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

Employees called to duty in emergency situations by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. This leave shall be granted in addition to all other leave the employee shall be entitled to. "Emergency situations" as defined by Arkansas Statutes § 21-4-212(e), are "any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order."

During a military leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which the employee has become entitled.

The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service, and the employee shall not be required to make contributions to any retirement fund. The City shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay.

The right of reemployment shall conform to all federal and state government rules and regulations.

Notification Requirements

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

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

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

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

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

Five-year limit. USERRA sets a 5-year cumulative limit on the amount of military leave you can perform and retain reemployment rights with your employer. There are some important exceptions to the 5-year limit. If you are unable to obtain release or if service is required to complete an initial period of obligated service, that time of service is exempt (examples: An initial enlistment may last more than 5 years, such as for nuclear power training. In this case, an employee retains reinstatement rights with the employer. If an employee was hospitalized for or is convalescing from an illness or injury incurred in, or aggravated during military service, the limit may be extended up to an additional 2 years.) Drills (inactive duty training), annual training, involuntary active duty extensions (including training certified as necessary by your service), and recalls due to a war or national emergency are not counted in the 5-year cumulative total.

Employees who have been on active duty military leave of absence in a uniformed service shall be re-employed in the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment.

Reinstatement is based on the duration of the uniformed service. For periods of military service up to 30 days, the employee must report back to work at the next regularly scheduled shift on the day following release from the military, safe travel home, and eight hours of rest. Following a period of service of 31-180 days, the employee must apply for reemployment within 14 days following release. Following a period of service of 181 days or more, the employee must apply for reemployment within 90 days after release. In applying for reemployment the employee should identify himself or herself, state that he/she left the City's employment to perform military service, that he/she has completed the service and want to be reinstated. Failure to return to work or apply for reemployment within the specified time limits through the employee's own fault does not necessarily forfeit the employee's reemployment rights, but makes the employee subject to the City's rules concerning unauthorized absences from work.

Reservists ordered to initial active duty for not less than twelve (12) weeks have thirty-one (31) days from the date of release after satisfactory service to apply for reemployment.

No application for reemployment is required by law for reservists or members of the National Guard who perform weekend, annual, or special duty training.

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

Definitions

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

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

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

"Service" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes: active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard, and any period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the employee for the purpose of performing funeral honors duty.

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

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

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

SECTION 8.

GENERAL CONDUCT & OTHER POLICIES AND PROCEDURES

PERSONAL CONDUCT

The City expects employees to observe acceptable standards of conduct. Employees shall be held accountable for their conduct on duty, off duty on City property, or while attending City functions as well as the conduct of any of their guests at a City-sponsored function. They shall conduct themselves in a courteous and inoffensive manner at all times.

Open, respectful, constructive and effective communication between management and employees is the foundation of good employee relations and helps in finding mutually acceptable solutions for nearly every problem. It is essential to an atmosphere of teamwork and efficiency. Meetings with employees, individually or as a group, are held when necessary

Employees shall, at all times, maintain a respectful, courteous attitude and demeanor when addressing their department head, supervisor, co-workers, subordinate employees, the public, other city officials and others with whom they come in contact.

Employees are expected to understand that non-emergency issues and concerns may not always be addressed at the moment they arise.

It is not possible to list all expected standards of good conduct, nor to anticipate every act of misconduct. However, some examples of expected conduct and prohibited conduct are provided below for informational purposes. The list is not intended to be exclusive and the City shall not be restricted by it in determining when disciplinary or corrective action is appropriate.

Some examples of expected conduct include, but are not limited, to the following:

1. honesty and integrity in all things;
2. complying with all safety rules, regulations, and precautions;
3. safe & proper operation of city vehicles & equipment
4. safe & proper use of City materials
5. complying with federal and state laws and City ordinances and resolutions; all City and departmental policies, rules, regulations, procedures, practices and directives, whether written or unwritten; lawful instructions, directives and requests from management;
6. reporting to work and remaining at work drug and alcohol free
7. reporting to work fit for duty;
8. maintaining a positive, cooperative attitude
9. ability to function effectively as a member of a team or work group
10. courteous and respectful treatment of others
11. a willingness to learn
12. a willingness to accept constructive criticism
13. a willingness to make efforts to improve when necessary
14. a willingness to assist others when it is needed

Prohibited Conduct

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

Employees should refrain from discussing the private matters of others in the work place. Employees who inadvertently, or in the performance of their job duties, obtain knowledge of routine disciplinary matters or other matters of a confidential personal or medical matter concerning other employees are required to maintain confidentiality and refrain from gossiping about those matters with co-workers or others.

All personnel actions and discussions with employees should be held in private when possible. Exceptions are permissible in situations where waiting would involve an immediate threat to health or safety.

Routine disciplinary matters and matters of a personal, confidential nature concerning employees should not be disclosed by department heads or supervisory personnel to inappropriate third parties.

Use of Derogatory Terms

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

Unintentional

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

Intentional

Use intended to harass, intimidate, or offend any person shall be cause for disciplinary action, including discharge. *At a minimum*, the following actions shall be taken for such offenses: the employee shall be suspended without pay for at least three (3) days or discharged, as the situation warrants for a first offense; a second such offense by the same employee shall result in either a one (1) week suspension without pay or discharge from employment by the City, as appropriate; and a third offense shall result in discharge.

The City has established procedures to report and address employee concerns about discrimination and/or harassment. These reporting procedures are set forth in the Complaint Resolution Policy.

CODE OF ETHICS

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

Gifts, Gratuities, Rewards

It is against City policy for any and all employees to accept tips, gifts, rewards or other forms of payment in addition to regular compensation from any source for the performance of municipal services for which one is regularly employed. However, it is recognized that citizens sometimes want to reward an employee or group of employees for a job well done. In such a case, an employee may receive a gift of less than one hundred dollars ($100) in value with pre-approval of the employee's department head or the Mayor. Gifts valued above one hundred dollars ($100) or more are in violation of the Arkansas *Code of Ethics* and shall not be accepted.

Political Activity

No City employee shall campaign for any candidate at a federal, state or local level while on duty, while wearing a City uniform (on or off-duty), or while in a City vehicle (on or off-duty).

Outside Business Activities

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

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

Competition for Public Positions

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

DRUG FREE WORK PLACE POLICY

AS A CONDITION OF EMPLOYMENT, employees of the City of North Little Rock are required to abide by the rules contained in the following policy.

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

Pursuant to the Federal Drug Free Work Place Act of 1988, and North Little Rock Ordinance No. 6379, November 27, 1989, it is the policy of the City of North Little Rock to maintain a drug and alcohol free work environment. The unlawful manufacture, distribution, dispensation, possession, use or effect of a controlled substance, or possession, use or effect of an alcoholic beverage by an employee while on duty or at any time while the employee is on a City work site, using a City vehicle or other motorized equipment is absolutely prohibited and constitutes cause for termination of employment.

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

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

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

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

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

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

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

A department head or supervisor may conduct a reasonable search of any City property at any time and especially when employees in a work group experience an accident. City property includes, but is not limited to, City owned or leased buildings,

parking facilities, City vehicles and/or motorized equipment, containers located in or on City vehicles and/or motorized equipment, as well as lockers and desks.

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

To educate employees on the dangers 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, and sources for counseling will be discussed. Information on the effects of alcohol and drug abuse is located in Appendix A, accompanied by a list of qualified substance abuse professionals approved by the City.

Voluntary Self-Identification Policy

Eligibility
The following policy shall **not** apply to employees who

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

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

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

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

1. The employee's admission is not made
   - to avoid testing under the requirements of the DOT or non-DOT drug testing policy;
   - after being notified to report for a drug and/or alcohol test;
   - while waiting for drug and/or alcohol test results to be received;
   - following receipt of positive drug and/or alcohol test results;
   - during investigations into misconduct or performance deficiencies; and/or
   - during pending disciplinary actions.

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

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

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

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

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

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

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

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

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

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

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

INSUBORDINATION

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

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

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

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

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

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

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

- Being argumentative or exhibiting a hostile or disrespectful attitude in response to orders, directives, policies or instructions given by a supervisor, department head or other authority.
- Failure to follow the chain of command to resolve personal disagreements with supervisor or department head.
- Intentional failure to report to work or carry out an assigned duty as scheduled or directed.
- Leaving work, an assignment or a duty area without permission of the supervisor.
- Intentional failure to communicate with supervisor or department head
- Conduct having the effect of disrupting departmental efficiency and morale, or undermining the of authority or ability of management to effectively carry out the business of the department;
- Being unavailable for call-out after having been directed to be on standby notice.
- Refusing to work reasonable amounts of overtime and/or refusing to work overtime in an emergency situation.
- Suddenly calling in sick or claiming sickness prior to reporting to call-outs or when directed to work overtime.
- Repeatedly asking for specific clarification of rules or directives with the intent and/or effect of slowing down work or frustrating supervisors or other members of the work unit.

Complaints

Employees with disagreements regarding an order or directive given by a supervisor or department head should comply with the order. After complying with the order, if the employee remains in disagreement, the employee should work towards resolving the disagreement by working with the supervisor or department head to reach a mutually-satisfying result. If no resolution can be reached, <u>and</u> the matter qualifies as one eligible for the formal Complaint Resolution Procedure, the employee may proceed on that course of action within the time limits set out therein. Not all disagreements will be eligible for the Complaint Resolution Procedure. The Complaint Resolution Policy and procedures are in Policy No. 5-008, located in Section 5 on page 71 of this manual.

Exceptions

A. Employees may refuse orders or directives to operate vehicles or equipment they reasonably believe are unsafe or to perform duties that they reasonably believe will cause illness or injury to themselves or others, or damage to equipment, without committing an offense of insubordination. In such instances, supervisory personnel will request the

assistance of the Safety Director to make a determination. If the Safety Director determines that the vehicle or equipment is safe to operate, or the duties are safe to perform, and the employee continues to refuse or engages in unnecessary argumentative conduct, the employee is considered to have committed the offense of gross insubordination and/or insubordinate conduct.

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

WORKPLACE VIOLENCE, HARASSMENT AND BULLYING PREVENTION AND MANAGEMENT POLICY

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

The City has a zero-tolerance policy against any form of workplace violence, harassment and bullying. No direct, indirect or implied threats, intimidation, or violent behavior is acceptable and no incident will be ignored.

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

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

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

When workplace violence, harassment or bullying behavior is recognized and identified, appropriate security and/or disciplinary measures will be implemented immediately.

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

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

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

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

Each report will be evaluated and promptly investigated to determine necessary follow-up actions. The Department head may conduct the investigation or may request an independent investigation to be arranged by the Human Resources Department. Employees who are asked to provide information necessary to any such investigation are required to cooperate fully.

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

This policy applies not only in the physical workplace but online as well. Bullying and harassment includes any bullying or harassing comments employees make online, even on their private social networks or out of office hours. Abusive, harassing, threatening, or defaming postings are in breach of the City's Social Media Policy and may result in disciplinary actions being taken up to and including discharge.

Any employee becoming aware of, or having knowledge of inappropriate, harassing or bullying content towards the City of North Little Rock or its employees in violation of this policy shall notify either his/her supervisor, the EEO Officer or HR Director.

Prohibited conduct includes, but is not limited to:

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

Restraining Orders

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

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

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

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

Fitness for Duty Evaluations

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

When Violence or Potential Violence Occurs

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

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

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

WEAPONS POLICY

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

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

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

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

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

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

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

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

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

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

SEXUAL MISCONDUCT

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

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

Violations will result in disciplinary action, including discharge.

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

PRODUCTIVITY DURING WORKING HOURS

Public accountability requires that employees be available for work and engaged exclusively in City business during all hours they are paid by the City. Unrelated activities are prohibited while on duty.

Employees are required to be available for work and productive during all hours they are on duty and in a paid status. Behaviors designed to evade work or additional work assignments while on duty are prohibited.

Slow periods that may occur during the work day should not be construed as an acceptable time for the employees to conduct personal business, visit other work stations or departments, or to engage in idleness or other behavior that is unproductive, distracting, or disruptive to the work of other employees. When an employee experiences slowdown in work responsibilities or tasks, the employee should notify the supervisor or Department head of their availability for work so that other work may be assigned.

DISPLAYING COMPETENT PERFORMANCE & ACHIEVING COMPETENT PERFORMANCE RESULTS

Written documentation will be maintained to provide a record of each employee's performance, including efficiency, skill, attitude and conduct factors, and attendance. It is important that employees are recognized for good performance. It is just as important to take corrective administrative action when problems arise. Consistent with these purposes, employees will be observed and evaluated on an ongoing basis. Written documentation of performance includes, but is not limited to, commendations, letters of appreciation, performance evaluations, records of administrative actions including incident reports, accident reports, records of performance counseling, corrective actions and disciplinary actions.

Performance Factors:
There are many varied jobs in the City. All require varied levels of knowledge, skill and ability. There are, however, basic factors relevant to the successful employee in all jobs, however. Examples of basic successful performance factors include, but are not limited to:

- quality and quantity of work;
- cooperation with supervisors;
- effective interpersonal relations;
- effective communication;
- reliability and dependability in carrying out job duties;
- regular and predictable attendance & punctuality;
- availability for work;
- productivity;
- ability to work as an effective team member;
- initiative;
- compliance with laws, policies, rules and regulations, directives & practices;
- maintaining required certifications and/or licenses;

Performance Evaluations
Formal evaluations should be conducted quarterly during the first year of employment and during the first six months following transfer or promotion. Thereafter, they should be conducted yearly on the anniversary date of the employee's date of hire, transfer or promotion. At their discretion, supervisors or department heads may conduct performance appraisals more frequently.

When an employee is to be transferred, promoted or assigned to another department, or another work site or supervisor, the employee's current supervisor should complete an evaluation for the period ending with the release date. This should be done on or before the release date. The new supervisor will prepare a performance appraisal for the following period of time in the new assignment when the next regular performance evaluation is scheduled.

If an employee separates from city employment before the first quarterly report is conducted, a final performance evaluation should be conducted on or before the employee's final day of employment. If the employee resigns or is discharged without notice or on short notice before the supervisor has an opportunity to conduct a final appraisal report, the report should be mailed to the employee's home address via certified mail, return receipt requested. When the signed return receipt card is received by the department, it should be forwarded to the Human Resources department for filing in the employee's personnel file along with a copy of the performance appraisal. In all other circumstances, the employee should receive and sign the appraisal in person on or before the employee's last day of employment.

If a supervisor other than the department head is authorized by the department head to evaluate an employee and prepare the performance evaluation form, the evaluation must be reviewed by the department head and approved and signed by the department head before finalizing, and before the evaluation meeting with the employee occurs.

Resolving Employee Performance Appraisal Disagreements
Performance evaluations should be as job-related and as objective as possible. The supervisor is responsible for monitoring and observing their employees and for judging an employee's performance. To support performance ratings less than satisfactory or "average," supervisory documentation or a written explanation should accompany the evaluation form. If the

supporting documentation has previously been received by the Human Resources Department, a reference to it should be made on the evaluation form in lieu of forwarding duplicate copies.

Employees who disagree with their supervisor's evaluation of their performance may attach written comments to the evaluation form in their personnel file. Comments must be submitted to the department head, with a copy to the Human Resources Department, within one week of the employee's receipt of the evaluation form.

Evaluations cannot be removed from personnel files pursuant to Civil Service directives.

Supervisors should discuss all job standards and supervisory expectations during the initial orientation period, and throughout the employment relationship as needed, especially at the beginning of each appraisal period. Employees may ask their supervisors to provide this information as needed.

Performance evaluations containing negative ratings that are received by the Human Resources Department after a vacancy announcement has been posted will not be a factor in determining Civil Service eligibility for promotion, unless extraordinary extenuating circumstances exist to warrant such consideration. The Human Resources Director will make the final determination as to whether or not it will be appropriate to consider an evaluation containing negative rating(s) that is received after the deadline. An employee's work history, including performance appraisals, will be a factor for comparison when determining selection from among competing applicants.

Employee Acknowledgement of Receipt

Employees are requested to sign the evaluation form to acknowledge they have received it prior to its being received by the Human Resources Department and placed in their personnel file. It is irrelevant whether the employee agrees with the document. The employee's signature does not indicate the employee's approval or disapproval of the contents of the form. If the employee refuses to comply with the request to acknowledge receipt of the document by signing the form, the department head and/or supervisor and a witness are to make a notation on the form stating that the employee refused to sign it. This notation should be dated and signed by the supervisor or department head and the witness and will be considered as documentation of insubordinate behavior.

USE OF CITY PREMISES, VEHICLES, EQUIPMENT & SUPPLIES

City Premises
Meetings held on City premises by City employees must be for the purpose of conducting only City business, except that City employees may pay a rental fee to use any facility for a private or charitable function that is customarily available for rental and open to the public.

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

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

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

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

Energy Conservation
For reasons of rising energy costs, it is imperative that the following conservation measures are implemented immediately. Unless a written exception is requested and made by the Mayor, these practices are mandatory.

- Turn all computers off each night
- Turn all printers off each night
- Turn air conditioning thermostats up to at least 80 degrees after all employees have left for the day.
- Replace ordinary light bulbs with energy-saving, compact fluorescent bulbs; and
- When necessary, consider replacing hot water heaters with tankless water heaters, where appropriate. No more hot water heaters shall be purchased unless tankless without written authorization.

(EXECUTIVE ORDER 2006-02 issued 5/26/06)

Burning of Candles Prohibited
Burning of Candles in all City Offices in all City Offices is prohibited. The use of candles in any city building is prohibited.
(EXECUTIVE ORDER 2006-06 issued 11/20/06)

Assignment of City Vehicles & Motorized Equipment
Employees who drive or operate City vehicles or equipment on the City's streets must comply with all driver and driver's license requirements contained herein and elsewhere in this policy manual and obey all City and State traffic laws.

Certain job positions allow for the personal assignment of a City vehicle. As a general rule, personally-assigned vehicles are to be driven home by employees for the sole purpose of garaging and safekeeping the vehicles. There are certain IRS guidelines that must be met for valuing the taxable benefit to the employee. Some vehicles are assigned on a daily basis for City business. Employees who require the use of a City vehicle must abide by the usage and maintenance rules set out by the department for use of such vehicles.

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

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

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

Safe & Courteous Conduct While In a City Vehicle
Employees must keep in mind the fact that they are representatives of the City government and that their conduct in adhering to the rules of safety and courtesy on the road is a reflection for good or bad on all employees and officials of City government.

Keys to City Property
Employees entrusted with keys to City property shall maintain proper care and custody of keys at all times. Unauthorized persons shall not have access to keys to City property. Keys shall be returned upon resignation, retirement, or discharge. They may be required to be returned during periods of long-term absence.

Violations of any one of the above will result in disciplinary action, including discharge.

OUTSIDE EMPLOYMENT OR BUSINESS INTERESTS

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

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

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

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

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

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

DRESS CODE

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

Management reserves the right to determine appropriate dress and grooming at all times. The following is a guideline and is not meant to be all-inclusive. Management reserves the right to use discretion in all matters of professionalism and appearance, even when an employee may technically be in compliance.

All employees are expected to report to work clean, neat, and appropriately dressed and groomed. Employees reporting to work inappropriately dressed or groomed may be sent home. Any employee sent home for this purpose will be charged annual leave or discretionary leave. If no leave is available to charge, non-exempt employees will receive no pay for the time not worked.

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

> Excessively low-cut blouses or shirts, halter tops, strapless tops, spaghetti straps or tank tops with no cover-up or jacket, cropped tops, mini-skirts, skin tight pants, stretch tights or leotards, skirts split higher than three (3) inches above the knee, shorts, unauthorized tee shirts or tee shirts with offensive wording, clothing that may appear to the public as “gangster” clothing (i.e., “colors”, scarves, or insignias, unauthorized head coverings or hats, baseball hats worn backwards), clothing that reveals undergarments (also called sagging), clothing that is torn or has holes in it, or in the case of seasonal pool employees, bikini or thong bathing suits. Shower shoes and flip flops are not appropriate for the work place, except for pool employees.

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

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

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

Tattoos must be small or covered at all times. If visible, may not be offensive in nature.

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

Fingernails should be clean and neatly groomed when reporting for work. If nail length is unnecessarily distracting or interferes with the efficient performance of job duties, the employee may be required to modify the length or decoration.

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

Hairstyles and hair colors that do not present a positive image to the public will not be allowed. Hair should be clean and neatly groomed and not pose a safety hazard.

Beards and mustaches are permitted insofar as they are clean and neatly groomed and do not pose a safety hazard.

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

uniform, including a hat or cap, at all times unless authorized otherwise by the department head. Employees in such departments must report to work in uniforms that are neat, clean and in good repair.

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

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

KNOWING, OBSERVING, AND OBEYING POLICIES, PROCEDURES, RULES, REGULATIONS, PRACTICES AND DIRECTIVES,

Employees are to comply with the policies, procedures, rules, regulations, practices and directives established for the effective, efficient, and safe operations of City government and their department. This standard applies to policies, procedures, practices, rules, regulations, and directives practices, written or unwritten, that have been established by past patterns or practices.

Violations of this policy include, but are not limited to the following examples:

- Consistently failing to know information in City or departmental policy manuals, and departmental directives. Being the employee who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other employees.
- Establishing a pattern of deviation from directives that is significantly different from the compliance rates of other employees.
- Challenging and/or deviating from policies, procedures, or practices without valid reasons to justify such challenge and/or deviation.

FALSE STATEMENTS, MISREPRESENTATIONS, OR FALSIFICATION OF RECORDS

The City must rely on the honesty and integrity of its employees in order to maintain the public confidence, and, accordingly, must take appropriate disciplinary action for instances of intended falsification of records, false statements and misrepresentations of fact.

False statements or misrepresentations of fact made by any City employee pertaining to any facet of employment with the City of North Little Rock, including, but not limited to, obtaining employment or promotion, obtaining benefits, use of leave, absences or tardiness, or during any lawful, duly-authorized investigation relating to the work place, are prohibited.

False statements or misrepresentations of fact made by any City employee adversely affecting the harmony, morale, productivity and efficiency in any department of the City, or interfering with, or adversely affecting the ability of any other employee, supervisor, or Department head to perform the duties of his position, are prohibited.

Falsification of Records
Falsification of any City record, including, but not limited to, time sheets, documents, computer tapes, computer entries, or other records, whether written, taped, stamped or in computer memory, is prohibited.

Violations will result in disciplinary action, including discharge.

SLEEPING WHILE ON DUTY

All City positions were created for a purpose with specific duties that must be performed during the time the employee is on duty. Employees must remain available for work to be assigned and must be productive at all times while on duty. Slow periods or idle time while on duty are not to be considered a time for the employee to sleep.

Sleeping while on duty is prohibited. Employees found sleeping on duty are subject to disciplinary action, including discharge.

Exceptions
Exceptions are those service or night shift employees who are allowed sleep periods during their shift per departmental rules.

THEFT OR MISAPPROPRIATION

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

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

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

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

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

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

Supervisor Responsibility
Supervisors and department heads are responsible for monitoring the accountability of all City property, equipment, supplies, privileged information, or money for which their subordinates are responsible or to which they have access, including private commercial or residential property.

Supervisors are responsible for immediately reporting and investigating any missing property, equipment, supplies, privileged information, or money for which their subordinates are responsible or to which they had access. The supervisor or department head may request the assistance of the North Little Rock Police Department for assistance in such instances.

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

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

FELONY AND SERIOUS MISDEMEANOR CONVICTIONS

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

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

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

Serious Misdemeanor convictions for offenses committed while off-duty and off City property shall result in discharge if such conviction results in a term of incarceration.

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

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

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

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

SECTION 9.

CITY VEHICLE DRIVER POLICY AND PROCEDURES

DRIVER REQUIREMENTS

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

Appropriate Driver's License Required

Pursuant to Civil Service Rules and Regulations, all City employees required to operate a City vehicle of any kind (whether as a part of their regular job duties or as relief driver or operator) must have in their possession at all times a valid Arkansas driver's license for the vehicle(s) they are assigned or authorized to operate. Department heads are authorized to check periodically or regularly to ensure that their employees have the required driver's licenses.

Employee Responsibility

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

Traffic Violations

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

As a condition of continued employment in a driving position, employees are required to provide a release to allow the City to periodically obtain their traffic violation records. If necessary, department heads are authorized to direct employees to obtain and provide to them a copy of their traffic violation records within two (2) working days of being directed to do so or be subject to immediate withdrawal of driving privileges and/or removal from the driving position. Such removal may involve discharge or demotion, whichever is appropriate according to the department head's discretion.

Employees whose traffic violation record consists of more than ten (10) points in moving violations within the three-year period on the state traffic violation records, OR whose traffic violation record consists of multiple violations, suspensions, at-fault accidents are subject to disciplinary action, including discharge.

Nothing herein limits the authority of the City to discharge an employee committing one or more serious traffic law violations. In either case, the violation may be considered so serious as to warrant suspension without pay or discharge, whichever is appropriate under the circumstances.

Ticket & Suspension Notification Requirements

Employees who receive a traffic ticket for <u>any</u> type of moving violation, or whose licenses have been suspended <u>for any reason</u> (including non-payment of child support) are required to notify their supervisor or Department head no later than the start of the first business day following receipt of the ticket or suspension, regardless of whether it was received while they were on or off duty, or in a City vehicle or a private vehicle. The employee is to complete the driver notification form and attach a copy of the ticket or suspension notification at that time and submit it to the supervisor or department head. The department head is to ensure that a copy of both is sent to the Human Resources Department for inclusion in the employee's personnel file. ***Forms for this purpose are available from the Human Resources Department.***

Suspended Licenses

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

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

- whether or not the employee made prompt notification to the supervisor of the suspension as required by City, Civil Service, departmental or D.O.T. policy.

- type of current violation
- number of previous moving traffic violations and/or DUI/DWI violations
- length of suspension
- type of position held, i.e., public safety vs. non-public safety
- whether or not the current violation or the employee's traffic violation record as a whole warrants continued employment in the position
- whether or not the employee can obtain a temporary restricted driver's permit for work related driving;
- whether or not the employee can perform the essential functions of his/her position without driving for a limited period until his/her license is restored;
- whether or not there is a vacant non-driving position or other assignment in the department to which the employee can be temporarily assigned.

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

Penalty for Failure to Notify

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

SECTION 10.

COMMERCIAL MOTOR VEHICLE DRIVER POLICY

COMMERCIAL MOTOR VEHICLE DRIVER POLICY

The U. S. Department of Transportation (DOT) Federal Motor Carrier Safety Administration regulations, specifically Title 49, Code of Federal Regulations, Parts 40 and 382 established alcohol and controlled substance testing requirements for commercial motor vehicle (CMV) drivers. The federal regulations mandated that the City comply with the regulations applicable to local government drivers of commercial vehicles. The North Little Rock City Council adopted Ordinance 6866 on December 27, 1994 to comply with the rules contained in the DOT regulations pertaining to certain local government employees and established penalties for violations. Implementation of the DOT drug and alcohol testing programs began on January 1, 1995.

Ordinance 6379 as amended by Ordinance 7380 established the City's Drug Free Workplace Policy that affects all city employees.

Before conducting each alcohol or controlled substances test under DOT regulations, each supervisor or department head employer shall notify the driver that the alcohol or controlled substances test is required by DOT regulations.

The DOT controlled substance and alcohol testing regulations change frequently. Applicable revisions will be made to this policy as they become known and a copy provided to all department heads. Department heads are responsible for disseminating copies of revised rules to their individual CMV drivers and for securing employee-signed acknowledgements of receipt.

Non-DOT Tests

CDL-licensed employees, in certain circumstances, may be subject also to non-DOT tests pursuant to the City's non-CDL drug and/or alcohol testing policy.

No supervisor or department head shall falsely represent that a test is administered under DOT regulations unless such test is mandated by DOT regulations as described herein.

DOT tests must be completely separate form non-DOT tests in all respects. If both a DOT and non-DOT are being conducted for the same occurrence, DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. For example, excess urine left over from a DOT test must be discarded and a separate collection made for the subsequent non-DOT test.

The results of DOT tests may not be changed or disregarded based on the results of a subsequent non-DOT test.

Designated Employer Representative (DER)

The Designated Employer Representative (DER), pursuant to Part 40.3 of the DOT regulations, is an employee authorized by the City to take immediate action(s) to remove employees from safety-sensitive duties or cause employees to be removed from these covered duties and to make required decisions in the testing and evaluation processes. The DER must exercise his or her authority to remove an employee from safety sensitive functions either directly or by causing the employee to be removed from performing those functions (e.g. by having the employee's supervisor effect the actual removal). The DER also receives test results and other communications for the City, consistent with the requirements of Part 40. Only the employer or an actual employee of the employer may perform this function.

The City's DER are the Human Resources Director and the Assistant Human Resources Director/. If neither are available to take the necessary immediate action to remove an employee from safety sensitive duties as required by the regulations, the Safety Director shall act as a DER with respect to taking this action. The Safety Director will notify the Human Resources Director as soon as possible of the violation and the action taken.

Drug and alcohol test results shall be received only by the Human Resources DER. The department head will be notified immediately of the results and to discuss any action required.

Supervisors and department heads shall notify the individuals designated as the DER in the order set out above when they have knowledge that prohibited conduct has occurred involving a CDL licensed driver.

Testing Facility And Service Agent

The City's DOT-mandated drug and alcohol testing program is conducted as part of a consortium of Arkansas municipalities. The Service Agent for the consortium is a'TEST Consultants, Inc., located at 425 West Broadway, North Little Rock, Arkansas, 72114. Phone: 376-9776. All DOT drug and alcohol tests are conducted by a'TEST at this location. The laboratory used by a'TEST is certified by the Health & Human Services Agency under the National Laboratory Certification Program (NLCP) for all testing required under DOT regulations.

Employees Subject To Alcohol And Drug Testing

The employees who must be tested pursuant to DOT regulations are those required to have a Commercial Driver's License (CDL). Who must have a CDL and be tested? Any employee whose position requires driving a motor vehicle:

- with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- with a gross vehicle weight rating of 26,001 or more pounds;
- designed to transport 16 or more passengers including the driver; or
- of <u>any size</u> that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

Safety Sensitive Functions

Safety Sensitive Functions, as defined by DOT regulations, means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time shall include:

- waiting at a terminal, facility, or other property to drive, unless relieved from duty by the employer;
- performing pre-trip inspections or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- driving the motor vehicle;
- in or upon any commercial motor vehicle, except when resting in a sleeper berth;
- loading or unloading the vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, giving or receiving receipts for the load, or remaining in readiness to operate the motor vehicle;
- all time spent performing driver duties and services at an accident scene as required by Sections 392.40 and 392.41 of the DOT regulations; or,
- all time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

Prohibited Conduct

A driver shall not report for duty or remain on duty requiring the performance of safety-sensitive functions, or perform a safety sensitive function:

- while using alcohol;
- while having an alcohol concentration of 0.04 or greater;
- while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment; this includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
- within four hours after using alcohol;
- when using any controlled substance except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in FMCSA Regulations, § 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- if tested positive or has adulterated or substituted a test specimen for controlled substances.

A driver shall not

- refuse to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing regulations. The supervisor or department head shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Following an accident requiring a post-accident alcohol test, a driver or operator shall not

- use alcohol within eight hours after an accident that requires a post-accident alcohol test, or before taking the required post-accident alcohol test, whichever comes first.

No supervisor or department head shall permit a driver or operator to perform or continue to perform safety-sensitive functions when the supervisor or department head has actual knowledge that a driver or operator

- is using alcohol;
- has an alcohol concentration of 0.04 or greater;
- has used alcohol within four hours;
- possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
- has tested positive or has adulterated or substituted a test specimen for controlled substances.
- is using any controlled substance, except when the employee has been instructed by a physician that the substance does not adversely affect the employee's ability to safely operate a CMV. The supervisor or department head may require a driver to inform the employer of any therapeutic drug use per D.O.T. regulations, Part 382.213 (c).
- has refused to submit to alcohol or controlled substance test.

When A Commercial Motor Vehicle Driver Must Be Tested

The DOT regulations are very specific about when a CMV driver must submit to a drug and/or alcohol test. The regulations require six types of drug & alcohol testing of CMV drivers. They are:

- Pre-employment
- Random
- Reasonable Suspicion
- Post-Accident
- Return to Duty
- Follow-Up

Testing Procedures

The drug tests will use urine, and the alcohol test will use breath. All urine collections are "split specimen." That means the urine is divided into two specimen bottles before the testing.

Drug Tests

The DOT testing required by the regulations is limited to seven drug types:

- Heroin
- Amphetamines and Methamphetamines
- Cocaine
- Marijuana
- Ecstasy
- Opiates (morphine and codeine)
- Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require

- a designated collecting site;
- security for the collection site;
- chain of custody documentation;
- use of authorized personnel;
- privacy during collection;
- integrity and identity of the specimen;
- transportation to the laboratory.

Driver protection is built into the testing procedures. To meet the federal requirements the City's Service Agent must utilize laboratories that have been certified by the federal government. The laboratories must be certified by the Health & Human Services Agency under the National Laboratory Certification Program (NLCP) for all testing required under DOT regulations.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed:

- Initial test: an immunoassay screening test to determine drug usage for the five classes of drugs;
- Second test: a confirmation test which is performed if the initial test detects the presence of drugs.

Initial test cut-off levels and confirmation test cut-off levels for all drug tests are as approved by the DOT at their current specified cut-off levels.

If the results of the initial drug test are negative, the testing laboratory will advise a'TEST's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done. The MRO will release the final result only to the Human Resources Director.

If the results of the initial drug test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques.

Specimens that are confirmed positive on the second or confirmatory test are reported positive to the MRO for review and analysis. Specimens reported adulterated or substituted are also reviewed by the MRO. Adulterated or substituted results are considered a refusal to test.

The MRO will contact the employee or applicant and confer regarding the results to determine if there is a legitimate medical reason for the positive result or for the refusal to test. If after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the DER (Human Resources Director or Asst. HR Dir/Admin.), who then must direct the employee to contact the MRO directly. If, after making all reasonable efforts, the DER is unable to reach the employee, the City may place the employee on suspension until a determination has been made as to the appropriate course of action to be taken.

The MRO may verify a test result as positive, or as a refusal to test, as applicable, without having communicated directly with the employee about the test results under the following circumstances:

- the employee expressly declines the opportunity to discuss the test results;
- if the DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than seventy-two (72) hours have passed since the time the DER contacted the employee;
- if neither the DER nor the MRO, after making and documenting all reasonable efforts, has been able to contact the employee within ten days of the date on which the MRO receives the confirmed test result from the laboratory;
- other circumstances provided for in DOT agency drug testing regulations.

Notification and Procedures - Positive Drug Test Results

The employee will be notified if the test result of the primary specimen is positive and will be advised of his/her right to have the second half of the split specimen tested at a different certified laboratory, and the procedures for doing so. The employee will be provided directions on how to contact the MRO directly to make this request. The employee will be provided MRO telephone number or other information that will allow the employee to make this request.

The employee, <u>within 72 hours</u> of being notified of the positive test result of the primary specimen, may request the MRO to send the second half of the split specimen to a different certified laboratory for testing. The testing of the second half of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative", the MRO shall cancel the test.

Pursuant to Section 8 of Ordinance No. 6866, the penalty for a positive drug test, once the time limit for requesting a second test of the split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge.

The employee is responsible for reimbursing the City the costs of the second test. The cost of a second test, if not reimbursed by the employee directly, will be considered a debt to the City and may be collected by the City.

Pursuant to Section 10 of Ordinance No. 6866, employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the City receives the results of the second test.

A negative result of the second half of the split sample drug test will render the first test invalid and the employee will be immediately reinstated with back pay and will not be required to reimburse the City for the costs of the second test.

In certain circumstances following notification of positive test results by the MRO, an employee may request that the Human Resources Director notify the MRO to run the second test. Such request must also be received by the Human Resources Director in sufficient time to notify the MRO within the 72 hour time limit following the employee's being notified of the positive test result.

The Human Resources Department is required to keep a record in the driver's file showing the type of test (pre-employment, periodic random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

Alcohol Testing Procedures

Alcohol testing is done by testing breath, because it is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A blood alcohol (BAC) concentration of 0.10 means one tenth of a gram of alcohol per 210 liters of breath.

The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first is the initial test. If the initial test shows a reading less than 0.02, the test is recorded as "negative". If the initial test result is 0.02 or greater, a confirmation test will be done.

The alcohol testing will be done in a site that affords privacy to the drivers being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing site during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the driver's presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15-minute waiting period will be observed during which the driver cannot leave the test site and may not eat, drink, or smoke during this period. The purpose of the 15-minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The confirmation test is done on the same EBT as the first test, and the testing procedures will be the same.

When the confirmation result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy for the tested driver.

When DOT Drug And/Or Alcohol Tests Are Required

Most tests will be done while the driver is performing a safety-sensitive function, or just before the driver is to perform a safety-sensitive function, or immediately available to perform any safety-sensitive function, or just after the employee has ceased performing such functions.

Pre-Employment or Pre-Promotion/Reclassification Drug Tests

Persons whose positions require a commercial driver's license must be tested for drug use prior to employment **or promotion/reclassification**. The City's Human Resources Department coordinates all such tests with a'TEST and no individual may be promoted or reclassified into a position requiring a CDL license, or be permitted by a supervisor or department head to drive a commercial motor vehicle, until notified by the Human Resources Department of a negative drug result.

Reasonable Suspicion Tests
The City requires a driver to submit to an alcohol or controlled substance test, within the time limits set out in the regulations, when there is reasonable suspicion to believe the driver has engaged in prohibited actions as defined by D.O.T. regulations, Subpart B of Part 382 concerning controlled substances or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations leading to reasonable suspicion of use of a controlled substance may include indications of the chronic and withdrawal effects of such substances.

The supervisor or official making the observations leading to reasonable suspicion controlled substance and alcohol testing must have received the required training in detection of probable alcohol misuse or controlled substance abuse. When circumstances permit, two supervisors trained in making these observations should observe the employee and sign off on the written documentation.

In the case of **suspected alcohol** use, observations of the employee made by the supervisor or other City official and subsequent directions to the employee to undergo reasonable suspicion testing for alcohol must be made while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, is immediately available to perform any safety sensitive functions, or just after the period of the work day that the driver is required to be in compliance with the regulations. This includes reasonable suspicion observations made following accidents. The test must be done as soon as possible within the time limits set by the regulations. The supervisor or City official who determines that reasonable suspicion exists shall not conduct the breath alcohol test on the driver.

The behavior, appearance or other condition of the employee that causes the supervisor or other City official to require the test must be documented in writing and signed by the witness(es) within 24 hours after the behavior is noticed or before the results of the controlled substances tests are released, whichever is earlier. Forms are available from the Human Resources Department to facilitate the documentation of these observations. It is preferable, if circumstances permit, to complete the documentation prior to transporting the employee for testing.

Drivers or employees subject to reasonable suspicion drug and/or alcohol tests must be relieved of duty and transported immediately to a'TEST for the appropriate test(s) to be conducted.

Such employees shall not be permitted to drive themselves either to the drug and/or alcohol testing facility, or afterwards to another location. The supervisor shall arrange for transportation to the employee's home or arrange for a relative or friend to come and pick them up.

Any employee suspected of unlawful use of drugs or abuse of alcohol shall be immediately placed on administrative leave with pay until the results of the drug and/or alcohol tests are received by the City.

Random Tests
The City is required to comply with the random testing requirements of the D.O.T. regulations. Every CDL-licensed driver shall submit to random alcohol and controlled substance testing. Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced. The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. The random selection is made by a'TEST Consultants, Inc., the current service agent for the City's municipal consortium, who notifies the Asst. Human Resources Director/Admin. of the selections.

Each driver selected for random alcohol and controlled substances testing shall have an equal chance of being tested each time selections are made. There are no requirements as to how often the random test selection must be conducted. It may be on a weekly, monthly, or quarterly basis.

Each driver selected for random testing shall be tested during the selection period.

Random alcohol and controlled substances tests conducted under this part are **unannounced.**

The dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.

Each driver who is notified of selection for random alcohol and/or controlled substances testing is required to proceed to the test site immediately upon notification. Failure to do so may be cause for disciplinary action, including discharge.

A driver shall only be randomly tested for alcohol while the driver is about to perform safety-sensitive functions, immediately available to perform safety sensitive functions, or just after the driver has ceased performing such functions. This includes drivers on call ready to be dispatched to perform safety sensitive functions.

Employees who refuse or delay proceeding to the test site immediately upon being notified that they have been selected for random drug and/or alcohol testing are considered to have refused to test and are subject to the consequences for refusal to test.

Subpart E - Urine Specimen Collections

§ 40.67 When and how is a directly observed collection conducted?

➢When is a directly observed collection conducted?

(a) As an employer, you must direct an immediate collection under direct observation with no advance notice to the employee, if:

(1) The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to you that there was not an adequate medical explanation for the result;

(2) The MRO reported to you that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or

(3) The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).

(b) As an employer, you may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.

(c) As a collector, you must immediately conduct a collection under direct observation if:

(1) You are directed by the DER to do so (see paragraphs (a) and (b) of this section); or

(2) You observed materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen (see §§40.61(f)(5)(i) and 40.63(e)); or

(3) The temperature on the original specimen was out of range (see §40.65(b)(5)); or (4) The original specimen appeared to have been tampered with (see §40.65(c)(1)).

(d) (1) As the employer, you must explain to the employee the reason for a directly observed collection under paragraph (a) or (b) of this section.

(2) As the collector, you must explain to the employee the reason, if known, under this part for a directly observed collection under paragraphs (c)(1) through (3) of this section.

(e) As the collector, you must complete a new CCF for the directly observed collection.

(1) You must mark the “reason for test” block (Step 1) the same as for the first collection.

(2) You must check the “Observed, (Enter Remark)” box and enter the reason (see §40.67(b)) in the “Remarks” line (Step 2).

(f) In a case where two sets of specimens are being sent to the laboratory because of suspected tampering with the specimen at the collection site, enter on the “Remarks” line of the CCF (Step 2) for each specimen a notation to this effect (e.g., collection 1 of 2, or 2 of 2) and the specimen ID number of the other specimen.

➢How is a directly observed collection conducted?

(g) As the collector, you must ensure that the observer is the same gender as the employee. You must never permit an opposite gender person to act as the observer. The observer can be a different person from the collector and need not be a qualified collector.

(h) As the collector, if someone else is to observe the collection (e.g., in order to ensure a same gender observer), you must verbally instruct that person to follow procedures at paragraphs (i) and (j) of this section. If you, the collector, are the observer, you too must follow these procedures.

(i) As the observer, you must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show you, by turning around, that they do not have a prosthetic device. After you have determined that the employee does not have such a device, you may permit the employee to return clothing to its proper position for observed urination.

(j) As the observer, you must watch the employee urinate into the collection container. Specifically, you are to watch the urine go from the employee's body into the collection container.

(k) As the observer but not the collector, you must not take the collection container from the employee, but you must observe the specimen as the employee takes it to the collector.

(l) As the collector, when someone else has acted as the observer, you must include the observer's name in the “Remarks” line of the CCF (Step 2).

(m) As the employee, if you decline to allow a directly observed collection required or permitted under this section to occur, this is a refusal to test.

(n) As the collector, when you learn that a directly observed collection should have been collected but was not, you must inform the employer that it must direct the employee to have an immediate recollection under direct observation.

[65 FR 79526, Dec. 19, 2000, as amended at 66 FR 41950, Aug. 9, 2001; 68 FR 31626, May 28, 2003; 69 FR 64867, Nov.9, 2004; 73 FR 35970, June 25, 2008]

Post Accident Tests

Location of Test

A driver who is subject to post-accident testing shall remain readily available for such testing. Failure to do so may be deemed by the City to have refused to submit to testing and subject to the same the consequences for refusal to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

As soon as practicable **within 2 hours** following an accident as described below and in the illustrative table below involving a commercial motor vehicle operating on a public road the City is required to test each surviving driver for **alcohol and controlled substances** as described below.

The employee should proceed or be transported directly to a'TEST Consultants, Inc. at 425 West Broadway, North Little Rock for the required drug and alcohol tests. The supervisor or department shall notify a'TEST at 376-9776 that the employee is being transported to their location for a post-accident DOT test.

If the employee was taken directly to the hospital for emergency treatment, the supervisor should accompany the employee to the hospital (or if the employee was transported by ambulance, meet the employee at the hospital.) a'TEST should be called immediately to notify them of the situation. Unless the employee is unconscious, critical, etc., they will send someone to the hospital to conduct the alcohol and drug tests.

Post Accident Tests for Alcohol are required of each surviving driver who

- was performing safety sensitive functions with respect to the vehicle if the accident involved a fatality; **or**
- who receives a citation **within 8 hours** of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    - bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    - one or more motor vehicles incurring disabling damage as a result of the accident,requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Post Accident Tests For Controlled Substances are required of each surviving driver who

- was performing safety sensitive functions with respect to the vehicle if the accident involved a fatality; **or**
- who receives a citation **within 32 hours** of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following table illustrates when D.O.T. post-accident drug and alcohol tests <u>are and are not</u> required to be conducted as described above.

ACCIDENT INVOLVES	Citation issued to the CMV driver?	Test must be performed by employer?
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

There shall be a valid reason beyond the supervisor or department head's control for not testing such drivers as soon as possible after a qualifying accident. The reason must be unavoidable and unusual, i.e., the driver was unconscious, etc. Failure to test within the above time limits when it was practical and possible to do so is cause for disciplinary action, including discharge.

If a fatality occurs following an accident within the time limits for the required tests, the supervisor shall attempt to conduct the tests until the respective time limits are reached. The City is not required to conduct any tests for cases in which a fatality occurs outside of the time limits of 8 hours for alcohol tests and 32 hours for controlled substance tests.

A department head or supervisor shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

Written Reports Required for Not Meeting Time Limits for Conducting Post-Accident Tests as Required

Post Accident Alcohol Test
If an alcohol test is not administered **within 2 hours** following the accident, the supervisor or department head shall immediately thereafter prepare a written report stating the reasons the test was not promptly administered. If an alcohol test is not administered **within 8 hours** following the accident, the supervisor or department head shall cease attempts to administer an alcohol test and shall immediately thereafter prepare another written report stating the reasons the test was not promptly administered.

Controlled Substance (Drug) Test
If a controlled substance test is not administered **within 32 hours** following the accident, the supervisor or department head shall cease attempts to administer the controlled substance test, and shall immediately thereafter prepare a report stating the reasons the test was not promptly administered.

Deadline for Reports
The reports shall be forwarded to the Human Resources Department within 24 hours following the expiration of the time period for conducting tests. The Human Resources Department shall maintain on file the written reports as to why the test(s) were not promptly administered. Records shall be submitted to the FMCSA upon request.

Post Accident Tests Conducted by Other Authorities
The results of a post-accident breath or blood test for the use of alcohol, and/or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the

requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, **and that the results of the tests are obtained by the City.**

Post Accident Reasonable Suspicion
If a supervisor or department head has reasonable suspicion to believe an employee involved in any accident while driving a city vehicle is under the influence of alcohol and/or controlled substances, the employee shall be required to submit to a reasonable suspicion drug and alcohol test. The supervisor or department head's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. (Forms are available from the Human Resources Department for documenting reasonable suspicion.)

The supervisor or official making the observations leading to reasonable suspicion controlled substance and alcohol testing must have received the required training in detection of probable alcohol misuse or controlled substance abuse. When circumstances permit, two supervisors trained in making these observations should observe the employee and sign off on the written documentation.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Employees suspected of being under the influence of alcohol and/or controlled substances must not be allowed to drive. They must be transported to the testing facility. Following the test, the employee must either be transported home, or a relative or friend must be called to provide transportation to the employee.

After a required DOT or non-DOT post accident or reasonable suspicion drug and/or alcohol test has been conducted, the employee shall be placed on administrative leave with pay until the results of the drug or alcohol test are received by the City.

Authorizing Release of Post Accident Medical Information
A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

Refusal To Submit To An Alcohol Or Controlled Substances Test
No driver shall refuse to submit to a post accident alcohol or controlled substances test required under §382.303, a random alcohol or controlled substances test required under §382.305, a reasonable suspicion alcohol or controlled substances test required under §382.307, or a follow-up alcohol or controlled substances test required under §382.311.

No supervisor or department head shall permit a driver or operator who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Pursuant to City Ordinance 6866, the penalty for refusal to take a required test for drugs or alcohol is immediate discharge. Actions constituting a refusal to test are defined below.

Actions Constituting Refusal to Test
§382.107 of the DOT regulations states that a refusal to submit to an alcohol or controlled substances tests means that a driver:

- failed to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer; consistent with applicable DOT agency regulations, after being directed to do so by the employer. *This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator.*
- failed to remain at the testing site until the testing process is complete. *Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;*
- failed to provide a urine specimen for any required drug test, *provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;*

- failed to permit the observation or monitoring of the driver's provision of a specimen (in the case of a directly observed or monitored collection in a drug test);
- failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- failed or declined to take a second test the employer or collector has directed the driver to take;
- failed to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d) of the DOT regulations. *In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;*
- failed to cooperate with any part of the testing process (e.g. refused to empty pockets when so directed by the collector; behaved in a confrontational way that disrupts the collection process;

  OR
- Is reported by the MRO as having a verified adulterated or substituted result.

Consequences for Positive Drug and/or Alcohol Tests, and for Actions Constituting Refusal to Test

A driver who tests **0.04 BAC** or above for alcohol, or who has a **final, positive drug test result**, **or who refuses to test** shall:

- be immediately removed from safety-sensitive functions and proceedings instituted for immediate discharge pursuant to City Ordinance No. 6866 of December 27, 1994.
- be provided the names and addresses and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs available in the area. (See Appendix A).

No driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test.

Employees found to have a BAC of 0.02 or greater but less than 0.04 shall also be subject to immediate disciplinary action, including demotion or discharge, depending on the individual's previous record of offenses.

Post Discharge Civil Service Appeals

DOT regulations are very specific about requirements that drivers testing positive for drugs and/or alcohol must meet before being allowed to return to duty. The driver is responsible for complying with these provisions. And for the payment of expenses for substance abuse professional evaluations and any recommended treatment or rehabilitation. The City is not responsible for costs involved with SAP evaluations or follow-up drug tests.

To comply with DOT regulations, the City requires drivers eligible for Civil Service Commission discharge appeals to provide **with their request for appeal** written evidence they have complied with DOT regulations for return to duty as follows:

- written verification from a certified substance abuse professional (SAP) that they have been evaluated as prescribed under DOT regulations by the SAP for any problems associated with alcohol misuse or controlled substance abuse, and that they have complied with the recommendations made by the SAP as a result of that evaluation with regards to education and/or treatment.;
- written recommendation from the SAP for unannounced follow-up drug and alcohol tests The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six tests in the first 12 months following the driver's return to duty. Follow-up testing may be extended for up to 60 months following return to duty.
- Drivers shall submit to a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.

Employee Voluntary Admission of Alcohol and Controlled Substance Use

Drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of Part 382 and part 40 of the DOT regulations, provided that:

- The employee's admission is in accordance with the City's voluntary self-identification program or policy as provided in Policy No. 8-003, the Drug Free Workplace Policy, located in Section 8, Page 121 of this manual.
- The driver does not self-identify in order to avoid testing under the requirements of this regulation;
- The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- The driver does not perform a safety sensitive function until the City is provided written documentation that the employee has been evaluated by a qualified substance abuse professional approved by the City; and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

Who is qualified to act as a Substance Abuse Professional (SAP)?

Pursuant to Section 40.281 of the DOT Drug & Alcohol Regulations, to be permitted to act as a SAP in the DOT drug and alcohol testing program, an individual must have one of the following credentials:

(1) licensed physician (Doctor of Medicine or Osteopathy);
(2) licensed or certified social worker;
(3) licensed or certified psychologist;
(4) licensed or certified employee assistance professional;
(5) state-licensed or certified marriage and family therapist; or
(6) a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

SECTION 11.

SAFETY POLICY

SAFETY POLICY

The City is committed to educate and influence its employees to observe safety, health and environmental policies, practices and procedures that will prevent and mitigate human suffering and economic losses arising from preventable causes.

Injuries are preventable and, therefore, every employee must recognize their personal responsibility for their own safety and that of their fellow employees.

The City of North Little Rock will provide a safe working environment for all employees. Protection of our employees, the public and city property is paramount.

It is the policy of the City that every department head, supervisor and employee become familiar with, and comply with, safety regulations established by the Arkansas Workers' Compensation Commission and the Arkansas Department of Labor and any other applicable law or regulation or jurisdictional authority's rules and regulations applicable to their department and their jobs.

It is also the policy of the City to take corrective action and, when deemed necessary, disciplinary action when there has been a failure to follow established rules, regulations and procedures related to safety and health matters.

Department heads and supervisors shall furnish and use required or recommended safety devices and safeguards. Methods and processes that are reasonably safe and comply with regulations shall be adopted and used, and every other thing reasonably necessary to protect the life, health, safety, and welfare of the employees shall be done. Every worksite, place of public assembly or public building shall be maintained as to render it safe.

Scope
This policy shall apply to all city employees. Every employee shall be guided by this policy and actively pursue a zero (0) accident goal.

Purpose
This policy is intended to insure that all City employees understand that established safety rules and procedures must be followed to ensure maximum effectiveness of our safety and health efforts and to provide a general statement of the overall responsibilities of all employees in the City's workforce, including members of management, to learn and follow written and unwritten safety regulations and safe operating procedures pertaining to the performance of their job duties and the operation of vehicles or equipment they operate. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve City property, employees are required to:

- obey all safety rules, procedures and practices pertaining to their duties and equipment or vehicles operated;
- seek assistance when necessary, especially when lifting heavy or bulky objects;
- follow work instructions;
- report unsafe equipment or conditions to their supervisor or department head;
- keep work areas clean and orderly at all times;
- read and obey all safety and warning labels;
- report immediately all accidents in which the employee is involved to the immediate supervisor;
- operate only machines, vehicles and equipment they have been authorized by their supervisor to operate; and
- maintain security and control of all keys to City property at all times as directed by departmental rules.

Employees must be ready and able to perform their jobs competently, effectively, and safely at all times. Employees will report to work, and, while working, remain mentally and physically ready to assume and competently perform all the essential functions of their jobs. Employees who lack the physical and mental capabilities to assume the responsibilities and duties expected of them and whose jobs may require driving a City vehicle, operating machinery or equipment, or engaging in manual labor tasks, may create a public safety hazard for themselves and others who depend on the employee's performance to provide an effective, efficient and safe environment.

The essential functions and physical requirements of a position determine, in part, the expected level of the employee's fitness and mental and emotional readiness. It may be reasonable to expect an employee who encounters physical exertion on a regular basis to maintain a higher level of physical and mental readiness than an administrative employee whose regular duties are more sedentary in nature.

Conversely, the employee who deals daily with administrative decisions may be expected to be able to handle higher levels of administrative stress than an employee engaging in physical labor. It is reasonable to expect differences in their levels of performance because of the priority and repetitive nature of their daily tasks.

Examples of a lack of readiness to competently or safely perform their duties may include, but is not limited to, the following examples:

- Exhibiting behavior that would lead a reasonable person to suspect that the employee's mental ability, attitude, or behavior are atypical (e.g., hostile or offensive behavior, profuse anger beyond normal agitation). In such cases, the department head is required to take appropriate steps to alleviate and remedy the situation.
- Excessive use of sick leave or absences due to illness or injury is direct evidence of the employee's lack of readiness to assume the duties of the job.
- Failing to pass any test or examination (including but not limited to a job-related fitness for duty or drug test) that is directly associated with the nature of the member's job tasks is substantial evidence of a state of unreadiness to assume the duties and responsibilities of the employee's position.
- Failing to perform an assigned task, followed by an investigation into the matter that reveals a lack of physical or mental readiness is substantial evidence of a state of unreadiness.

Employees should not be required to operate vehicles, machinery or equipment or work in any condition that is determined to be unsafe or unhealthy. Management and employees together have a responsibility to ensure a safe and healthful work place and to minimize work place accidents and illnesses. Employees shall immediately notify their supervisors of vehicles or equipment in need of repair of any kind. The supervisor will promptly make sure that any allegedly unsafe vehicle, machinery or equipment is inspected, repaired if necessary, and declared safe before requiring its further operation.

Employees may refuse to operate any vehicle, machinery or equipment in need of repair and which they consider unsafe until it has been properly inspected and certified as safe to operate.

Resolving Disagreements
If there is a disagreement between the employee and the supervisor regarding the safety of a work task or the condition of a vehicle, machinery, or equipment, the supervisor shall contact the Safety Director for an immediate inspection. The Safety Director shall inspect and make a determination. The Safety Director's determination and recommendation shall prevail.

Supervisory Responsibilities
Department heads and supervisors are responsible for instructing and training employees under their supervision in the lawful, proper, and safe use of all vehicles, machinery, equipment, tools, materials, and chemicals used in their work place. Supervisors and department heads are responsible for being knowledgeable about, and securing copies of, all Arkansas Department of Labor Safety Codes and Federal safety regulations which pertain to equipment, vehicles, tools, materials and chemicals used in their work place, and for making this information available to their employees. Department heads and supervisors are also responsible for performing facility and work site safety audits in their departments.

Supervisors and crew leaders have a high degree of responsibility for ensuring that the employees they supervise obey all safety rules and regulations in the performance of their duties, and they are to be held accountable for enforcement of safety and health rules.

First line supervisors who fail to monitor and document employee safety and health violations are subject to disciplinary action, including discharge, depending on the severity and/or frequency of the occurrence(s) within the scope of their authority.

Every machine, tool, or equipment, or any part thereof shall be maintained in a safety condition, properly guarded, and safely placed. If a machine, tool, or equipment or any part thereof is in a dangerous condition, is not properly guarded, or is dangerously placed, there shall be attached to the machine, tool, or equipment a notice warning all persons against its use and setting out in complete detail the conditions which render the machine, tool or equipment unfit for service. The machine, tool, or

equipment shall not be used until it is made safe, the required safeguards or safety appliances or devices have been fully corrected.

Employees shall be trained in and familiar with the safety-related work practices, safety procedures, and other safety requirements that pertain to their respective job assignments. Employees shall also be trained in and familiar with any other safety practices, including applicable emergency procedures that are not specifically addressed but that are related to their work and are necessary for their safety.

The department head, supervisor and/or crew leader shall determine, through regular supervision and through inspections conducted on a regular basis that each employee is complying with the safety-related work practices required for their safety and exposed co-workers.

Additional training or retraining is required under any of the following conditions:

- If the supervision and required inspections indicate that the employee is not complying with the safety-related work practices; or
- If new technology, new types of equipment, or changes in procedures necessitate the use of safety-related work practices that are different from those which the employee would normally use; or
- If he or she must employ safety-related work practices that are not normally used during his or her regular job duties.

Department heads and/or supervisors shall certify in writing that each employee has received any required training. This certification shall be made when the employee demonstrates proficiency in the work practices involved and shall be maintained in the employee's official personnel file located in the Human Resources Department for the duration of the employee's employment.

It is important that the job descriptions be utilized to determine the required training.

Responsibility for Workers Compensation Claims Paperwork.
Stronger focus needs to be given to issues relating to worker's compensation claims. Department heads will be responsible for seeing that all necessary paperwork relating to work related injuries and vehicle/equipment accidents are properly completed and submitted in a timely manner. It will also be the responsibility of the respective department head to see that any time a city vehicle is involved in an accident, a policy officer is dispatched and a police report is completed and filed. Each department head will initial all reports generated hereby which will represent that they have reviewed and confirmed the accuracy and timeliness of the same. (EXECUTIVE ORDER 2006-001, issued 5/26/06)

Safety Director
The Safety Director will take whatever steps necessary to correct problems and enforce safety regulations and instruct employees and supervisors in all matters pertaining to safety and health. The Safety Director's responsibilities include, but are not limited to the following:

- implementing and disseminating safety policies and procedures and providing assistance to ensure effective implementation in the departments;
- providing prompt assistance to department heads, supervisors, crew leaders or others as necessary on any matter concerning safety policy and procedure;
- developing and providing safety training;
- monitoring City equipment, supplies, etc., to ensure compliance with current safety regulations, policy and procedure;
- assisting in prevention of work place injuries and illnesses to preserve the safety and health of the workforce;
- developing reporting requirements to allow monitoring of workplace injuries and proper workers' compensation claims procedures;
- investigating workplace injuries
- monitoring Workers' Compensation Claims
- reporting status of Workers' Compensation Claims

Resolution Of Safety Issues And Violations
Safety issues should be resolved before they become problems. Violations of state or federal laws, City ordinances and policies, or departmental policies, procedures or practices pertaining to safe work practices, safe operation and/or maintenance of

vehicles or equipment or other property are considered extremely serious offenses and are cause for corrective or disciplinary action, including discharge.

When employees fail to follow rules and procedures related to safety and health issues corrective or disciplinary action is required whether or not the violation results in injury or property damage. A "near miss" incident should be treated the same as incidents that result in injury or property damage.

The nature and severity of any action taken in response to violations of safety and health rules and procedures will be determined by the seriousness and frequency of the violations. Actions taken for violations may include, but are not limited to, safety counseling, training, retraining, and/or appropriate disciplinary actions, including discharge.

A written record of each violation and related corrective and/or disciplinary action shall be prepared and retained in the employee's personnel file.

WORK-RELATED INJURIES AND ILLNESSES

The primary consideration in the event of an accident involving employee injury or illness is always to ensure that the employee receives prompt medical attention. The following procedures should be followed.

Serious and Severe Injury

If incapacitated, call 911, and wait for help to arrive. Employees should be taken or proceed to the emergency room at Baptist Hospital on Springhill Drive, or if not practical or safe in the situation, to the nearest available Emergency Room or treatment facility, for immediate necessary treatment for serious or severe injuries.

Moderate to Minor Injuries During Non-Business Hours

For moderate to minor injuries during non- business hours that require prompt medical treatment, the employee should proceed or be taken to the emergency room at Baptist Hospital on Springhill Drive, or if not practical or possible in the situation, to the nearest available Emergency Room for immediate necessary treatment.

Moderate to Minor Injuries During Business Hours

If the injured employee is not incapacitated, immediately contact the supervisor or department head (or authorized designate) to verbally report the injury and obtain authorization for medical treatment. The department will contact the City's medical provider to authorize treatment and provide required information. Employees will proceed to the designated City medical provider or treatment facility.

Reporting And Other Requirements

Safety Director Reports

The Safety Director is responsible for ensuring that the Arkansas Occupational Safety & Health Division (AOSH) of the Arkansas Department of Labor (ADOL) is notified concerning the following type of accidents **within eight (8) hours**. The ADOL requires the Public Sector/Injury Reporting Form be completed and sent to them for each accident resulting in any of the following:

- Fatality
- Amputations (including end of finger)
- One or more persons hospitalized overnight.

Contact the Safety Director **immediately** upon the occurrence of any of the above type of injuries to enable the reports to be completed and on time.

In The Event Of A Work-Related Fatality Or Life Threatening Injury, Please Notify The City's Safety Director Immediately So A Prompt Investigation Can Be Conducted.

Other Reports

Additional reports may be required following a job-related injury or illness. The following describes the reporting and other responsibilities of the employee and the department head in this regard.

Employee Responsibility to Report Injury Immediately

Unless an injury renders the employee physically or mentally unable to do so, or it is made known to the supervisor or department head (or authorized designate) immediately after it occurs, the employee shall report the injury on the proper form at the earliest time possible, but no later 24-hours from the time of the incident. The foregoing shall not apply when an employee requires emergency medical treatment outside the normal business hours of the department; however, in that event, the employee shall provide a report of the injury to the supervisor or department head (or authorized designate) on the next regular business day of the department.

Departmental Reports & Responsibilities

Following an accident, the department head (or authorized designate) must do the following.

- Provide the employee with the Employee's First Report of Injury as required by the Workers' Compensation Commission to complete as soon as practical following the accident.

- Complete and sign the Employer's First Report of Injury in the spaces indicated for the employer, provide the employee with a copy and transmit the original to the City's Worker's Compensation Administrator at the address below **within 2 business days following the accident.**

  Municipal League Workers' Compensation Trust
  P. O. Box 37,
  North Little Rock, AR 72115

- Send a copy of the completed Employee's First Report of Injury or Illness to the Safety Director.
- Complete an accident investigation report form (which is separate from the workers' compensation forms) and send to the Safety Director as soon as practical following the accident. Forms for this purpose are available from the Safety Director or the Human Resources Department.

After The Employee Receives Medical Treatment

Return to Work Statement

When released by the medical provider to return to full duty or temporary light duty, the employee must report back to the immediate supervisor and provide the signed medical release to return to work. The medical release must stipulate the employee is being returned to full duty, or temporary light duty. If released to temporary light duty, the medical release must contain the specific work restrictions and provide an estimated date the employee may return to full duty. Incomplete medical releases will be returned to the employee, and the employee may not return to work until complete information is received.

Status Reports

The Safety Director should be kept informed on a continuing basis as to the current status of employees experiencing work related injury or illness.

Up-to-date status reports must be provided to the Safety Director the day before the time sheets are due for each pay period.

Any time there is a change in status following the initial first report of injury, the Worker's Compensation "S" form must completed and sent to the Municipal League with a copy to the Safety Director.

EQUIPMENT MAINTENANCE POLICY

Purpose

The purpose of this policy is to establish operating policies and procedures for effective equipment maintenance and record keeping in departments of City government.

Policy

The City requires that all equipment belonging to the City be properly maintained, all operators be properly licensed and provided procedures for equipment maintenance, and a systematic program of preventive maintenance, reporting and record keeping be established. The Vehicle Maintenance Department is responsible for establishing and maintaining policies and procedures for this purpose. The head of each department listed below is responsible for ensuring full compliance with the policies and procedures contained herein from each department. Violations may result in disciplinary action, including discharge.

Questions regarding this policy and the procedures should be directed to:

Vehicle Maintenance Department
Public Works Complex
1208 Sycamore, NLR, AR 72114
501-340-5371 from 7:30 a.m. through 4:00 p.m.

Record Keeping

The Vehicle Maintenance Department is the agency responsible for maintaining the Equipment Management Information System (EMIS) and for effective equipment maintenance. The EMIS provides effective management of equipment maintenance and parts inventories, equipment inspections, scheduling of preventive and normal maintenance, maintenance history, equipment costs analyses and replacement cycles definition, specifications drafting and evaluation, and all mechanized equipment procurement and maintenance. Automated or manual EMIS allows management to maintain cost accounts for personnel and equipment and control daily maintenance workflow.

Definitions

Equipment. Equipment is defined as any vehicle or type of equipment used in the operation of City business.

Department. As it relates to this policy, department is defined as any department utilizing vehicles or other equipment, including, but not limited to, the following departments:

Administration, Animal Shelter, Code Enforcement, Commerce, Community Development, Community Planning, Electric, Emergency Services, Fire, Fiscal Control, Health, Neighborhood Services, Parks and Recreation, Police, Public Works, Sanitation, Street, Traffic Services, Utilities Accounting, Vehicle Maintenance Department Head. The appointed director of a department listed above.

Operator. Any employee properly licensed and authorized to operate the vehicle or equipment to which the employee is assigned.

Procedures

Inspections

Equipment must be maintained in working order for the safety of employees.

Cost reviews and inspection of equipment condition assist in determining the need for replacement and whether changes are necessary in preventive maintenance programs. Each Department Head has a responsibility to make certain that equipment performs its intended purpose, and meets all health and safety requirements. The operator's supervisor should inspect vehicles for damage from abuse or collisions at least weekly.

Vehicle and equipment inspections are performed by scheduling maintenance and servicing equipment at intervals compatible with manufacturer's recommendations or based on equipment usage.

Scheduled inspections are commonly associated with preventive maintenance (PM) programs. Preventive maintenance inspections normally are divided into three classes:

- Class A: all lubrication and mechanical services recommended by the manufacturer and all components and parts related to the safe operation of the equipment;
- Class B: all Class A service plus a check and inspection of components having a high rate of wear or deterioration; and
- Class C: all Class A and B inspections plus a thorough check and inspection of all remaining components and assemblies of the unit.

Although the equipment operator is responsible for inspecting equipment before, during and after operation the Department Head is ultimately responsible for all City-owned equipment.

Each department must develop an effective internal procedure to ensure that equipment is inspected periodically as directed by the Safety Director, and for internal record keeping and required reporting procedures. The department head MUST file a copy of the department's internal procedures with the North Little Rock Safety director.

Monthly safety and condition inspections for all mobile vehicles and equipment, and stationary and portable equipment must be completed by the operators and supervisors and submitted in writing to the Safety Director. Copies of inspection records MUST be provided to the Vehicle Maintenance Department and the Safety Director so that records of inspections are kept current and on file in both offices.

Operator Qualifications

Training and Certification. Each department with equipment MUST develop an internal procedure to ensure equipment operators have appropriate training and certification in the equipment they are required to operate. The department head MUST file a copy of the department's internal procedure governing operator training and certification with the North Little Rock Safety Director.

Licenses. It is important that the department maintain a complete record of the equipment operators' licenses to know who has the legal right to operate equipment. The expiration dates should be monitored and a routine inspection program should be established to verify that operators have an appropriate license in their possession. Any suspension of equipment operator licenses must be reported to appropriate Department Head.

Job descriptions. Job descriptions must outline the inspection functions and levels of expertise of personnel so that the scope of responsibilities for inspections is clear.

Operator Responsibilities

It is part of the operators' responsibilities to perform and log daily inspections of their equipment, including daily lubrications and minor servicing of equipment and vehicles.

The equipment operator's daily inspection responsibilities include, but are not limited to, checking:

- tire pressure and condition
- brakes
- power steering
- transmission
- battery
- cooling system
- windshield wiper and
- washer fluid levels
- oil level and condition
- belts and hoses
- headlights
- brake lights and signals
- windows

- minors
- seat belts.

Operator responsibilities may also include minor routine maintenance as recommended by the Vehicle Maintenance Department.

All accidents must be reported by the operator to the operator's immediate supervisor who then must report to the Safety Director on the same day of occurrence.

Preventive maintenance inspections require a specifically defined routine inspection for each level of maintenance check and that the department and Safety Director maintain inspection records. Once completed, a safety and condition report is made part of the equipment history file.

For equipment and materials to be maintained in working order, operators and supervisors have a responsibility to report any defects in a timely manner so repairs can be made and results documented.

Preventive Maintenance

Effective equipment management requires that repairs be made *before* equipment fails. This section provides a preventive maintenance (PM) approach for systematic, periodic servicing of equipment to facilitate operations with a minimum of downtime. It is anticipated that a well-planned preventive maintenance program following the manufacturer's recommendations and schedules will result in a dependable fleet and extended equipment life with lower operation, maintenance, and repair costs. Planning and scheduling PM activities requires providing the right maintenance at the right time at the lowest overall cost.

PM maintenance programs address the type of equipment, the duty cycle of the equipment, and provide for routine inspection and maintenance of the fleet to meet the life expectancy. Planning PM activities include, but are not limited to:

- definition of work to be performed
- diagnosis of work to be performed prior to scheduling
- estimate of labor hours
- materials
- shop space and time
- documentation to support maintenance action.

PM schedules are developed for advanced scheduling of work, to provide a system to call in units from operations areas, order parts and plan for breakdowns and emergency situations. Frequency of PM is identified by distance traveled, hours or time based on past usage, the environment in which the vehicle is used and manufacturers' recommended maintenance interval. (For instance PM is scheduled every 250 hours on equipment and every 3,000 miles on vehicles plus each quarter.)

Scheduled maintenance for the systematic inspection and servicing of equipment at intervals compatible with manufacturers' recommendations for lubrication and mechanical services is required. Operators are responsible for daily lubrications and minor servicing of equipment and vehicles. If a spot check by a Department Head, supervisor or a review during servicing or repair at the Vehicle Maintenance Department reveals that effective preventive maintenance has not been performed properly and deficiencies are discovered, the Mayor will be notified of the department and circumstances for appropriate action.

Maintenance Plan

All maintenance operations are planned as far ahead of time as possible to minimize costs and delays. Commitments for planned maintenance carry high priority so that the disruption of work by breakdown is avoided where possible. In the future, an equipment priority repair policy may be developed in concert with users to identify repair needs of a critical nature to the customer agency.

All non-emergency maintenance activities are scheduled based on the equipment's priority to the user, and to maximize the effectiveness of available shop space and manpower. A system to track, schedule, and administer warranty claims should be included. The Vehicle Maintenance Director or the designated representative schedules all emergency maintenance activities on an urgency-of-need basis.

A periodic review of records and repair orders will be performed to determine the effectiveness and efficiency of the maintenance program. The review may include, but is not limited to:

- measurements of technician efficiency

- rework ratio
- cost of repairs
- time per repair
- failure analysis.

Inventory

Equipment inventories are maintained for the fleet, tools (including hand tools, shop tools, test equipment and fixed shop equipment), portable and stationary equipment, fuels, liquids and parts. Inventories track the size and disbursement of the fleet, the type of parts and amount of liquid on hand and the rate of their use. It is anticipated that the inventory system will reduce equipment downtime.

A parts inventory program is maintained to track new and used parts, tires, and batteries used in the maintenance and repair of equipment. Parts inventory assists in monitoring stock levels, turnover frequency and costs. The parts inventory is routinely updated and identifies data, including, but not limited to, the following:

- parts received
- vehicle number to which the part is issued, transferred to and adjusted by whom
- and when
- cost of part,
- vendor number
- bin location
- date and quantity issued

Specific procedures identify the disposal methods for various parts and materials in an environmentally sound manner. The Vehicle Maintenance Department controls the disposal of oil, tires, batteries, and other parts and materials. Recycling or reuse of parts and materials is utilized as much as possible.

Replacement equipment should be scheduled for repair and regular servicing by Departments so that replacement at the most economical point in its life cycle can be planned. Well-administered turnover should be relatively consistent from one year to the next. The economic life of equipment refers to the length of time over which the average total unit cost is lowest. Total unit cost encompasses all costs associated with ownership of the equipment.

Replacement cycles are clearly established as policy jointly by individual Departments and Vehicle Maintenance so that related maintenance support can be planned. The economic life of equipment and parts is reviewed periodically, particularly if the maintenance practices are being adjusted.

To achieve the most economic replacement policy, the following criteria are taken into consideration:

- total cost of maintenance and depreciation
- environment in which the equipment operates
- fuel cost
- condition
- suitability
- safety
- downtime
- new technology
- available funding for replacement.

Viable sources of funding may be determined by several methods, i.e., individual departments including funds in their budgets or establish a depreciation cost per mile or month based on use or by conducting a cost/benefit analysis. Over the life of the equipment, this procedure should generate the necessary funds for equipment replacement. Upon request, the Vehicle Maintenance Department will assist any department in documenting the need for, or timing of, purchase of replacement equipment as it becomes necessary.

Specifications

Equipment specifications are used to ensure that the equipment matches the application and to generate a basis for cost comparisons during acquisition.

Specifications may be technical, performance related, or a combination of the two. They can include guaranteed maintenance, buy back costs, and lease purchase arrangements. Specifications can exclude certain makes and models for justifiable cause and can award contracts on the basis of price conformance with specifications, delivery, warranty and availability of parts and service.

Overall productivity of the equipment is a major factor and specifications can require performance demonstrations before and after bids.

Equipment user involvement in developing specifications is important in acquiring equipment.

Designated operators and maintenance employees as well as other individuals who are aware of the functionality of particular equipment, the availability of parts and service, and the operational performance of the equipment, should preview equipment specifications and bids.

Warranties

Vehicle Maintenance monitors all equipment and vehicle warranty that the manufacturers provide as well as any repair warranties. This service is monitored to see that it meets coverage and time requirements. Firms that fail to meet their warranty commitments on equipment are contacted and corrected. This information is considered in future equipment acquisition.

MAINTENANCE OF WORK AREAS

The cleanliness, efficiency, health and safety of the work place must be assured.

Work Area
Employees are required to maintain a neat, clean, orderly, safe and sanitary work area at all times and as directed by their supervisor or Department head.

Machines & Tools
Employees are required to maintain all machines and tools in their work area in a safe, clean manner and in compliance with the equipment maintenance policy elsewhere in this manual.

Departure Procedures
Before departing at the end of the shift or work day, employees should store all tools and equipment properly as instructed by the supervisor, turn all designated lights on or off as the case may be, lock all files and cabinets necessary or as instructed, clear all work materials and equipment from desk and work surfaces, especially materials of a sensitive or confidential nature, turn all heat and air conditioning off as appropriate or as instructed, turn off any fans, space heaters, coffee pots and other equipment, and lock all appropriate doors and windows.

APPENDIX A

THE EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK, AND PERSONAL LIFE

The hazard of misuse of alcohol and illegal drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the City in the form of higher health insurance rates. Alcohol and drug abuse costs both the City and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

METHODS OF INTERVENTION FOR SUSPECTED ALCOHOL OR DRUG PROBLEMS

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Don't help or aid a person whom you think has an alcohol or drug abuse problem. Don't make excuses for them, don't do their work for them, and don't look the other way. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Leave the treatment and counseling of persons with an abuse problem to the professionals. The DOT regulations require that the person with a problem be evaluated by a Substance Abuse Professional (SAP) - - such as a physician, psychologist, or other persons with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. See qualifications in the next paragraph.

Who is qualified to act as a Substance Abuse Professional (SAP)?

Pursuant to Section 40.281 of the DOT Drug & Alcohol Regulations, to be permitted to act as a SAP in the DOT drug and alcohol testing program, an individual must have one of the following credentials:

(1) licensed physician (Doctor of Medicine or Osteopathy);
(2) licensed or certified social worker;
(3) licensed or certified psychologist;
(4) licensed or certified employee assistance professional;
(5) state-licensed or certified marriage and family therapist; or
(6) a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

WHERE CAN I GO FOR HELP?

LISTED BELOW ARE LOCAL SOURCES FOR INFORMATION IN LOCATING ALCOHOL AND DRUG ABUSE TREATMENT CENTERS:

ALCOHOL ONLY

AA Central Office 664-7303

Alcohol Abuse & Addiction
Information & Treatment 375-2733

Serenity Park Inc., 2801 W. Roosevelt Rd., LR 663-7627

Southwest Employee Assistance Program
Plaza West Bldg., LR 663-1797

Wilson, Bill, 2500 McCain Blvd., No. LR 753-1616

ALCOHOL AND DRUG ABUSE

Alpha Link Inc., 7509 Cantrell Road, LR 664-7867

Central Arkansas Substance Abuse Programs,

7107 W. 12th, LR 666-6460

Cocaine Anonymous, 1712 W. 16th, LR 374-1334

Cocaine-Lifeline 24 Hr. Helpline 1-800-822-4898

Family Service Agency, 628 W. Broadway, Ste. 300,
No. Little Rock, AR 372-4242

Ouachita Chemical Dependency Units, Camden 1-800-232-1289

Pfeifer, Jim, 425 West Broadway, Suite M., NLR 376-9776
Qualified Substance Abuse Professional

Pinewood Resource Center, 425 W. Capitol, LR 374-4033

Recover, 9601 Interstate 630, LR (Baptist Medical) 223-7507

Recovery Centers of Arkansas, 1201 River Rd., No. LR 372-4611

Southwest Employee Association
Dick DeWoody, Qualified Substance Professional
415 N. McKinley, Suite 520, LR.....663-1797

Wolfe Street Center, 1210 Wolfe, LR 372-5662

LISTED BELOW ARE NATIONAL SOURCES OF HELP AND INFORMATION:

National Clearinghouse for Alcohol and Drug Information
Monday through Friday
1-800-729-6686

The National Federation of Parents for Drug-Free Youth
Monday through Friday
1-800-554-KIDS

National Council on Alcoholism
7 days a week, 24 hours a day.
1-800-622-2255

Parents Resource Institute for Drug Education (PRIDE)
Monday through Friday
1-800-241-9746

Cocaine Helpline
Monday through Friday
Saturday and Sunday, 12:00 p.m. - 3:00 a.m.
1-800-COCAINE