

# *City of Cabot*

## *Personnel Handbook*



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*In August of 2017*

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## INTRODUCTION

### **Welcome to the City of Cabot!**

First, let me congratulate you on becoming a new employee for the City of Cabot. The City of Cabot is a Municipal Corporation organized as a city of the first class under the laws of the State of Arkansas in 1891. Like most cities, Cabot operates under a Mayor-Council form of government. As Mayor, my duty is to oversee the operations and day-to-day business of the City. My position is elected every four years. Cabot's governing body consists of a City Council which is made up of eight aldermen. These aldermen are elected from each of Cabot's four wards every two years.

As a new employee, you should take pride in the fact that you now work for a city that features low crime rates, quality public schools and many activities for youth. We do this by offering several services to our citizens. The City offers police and fire protection, street and drainage maintenance, animal services, building inspections and code enforcement, district court, and other general municipal services.

We cannot offer these services without important, productive employees like you. Each employee and each department serves a distinct function that helps bring the City's services together as a whole. We are glad that you have decided to join our City and encourage you to make this experience both exciting and rewarding.

Good luck with your new job and thank you for helping us work together to make the City of Cabot one of the best places in America to live, work and invest!

Sincerely,

William Cypert  
Mayor

## GENERAL

### GENERAL

#### **Handbook Purpose**

This Employee Handbook, (hereafter referred to as “handbook”) is designed to familiarize you with the City of Cabot (hereafter referred to as “City”) and provide you with information about employment practices, policies, and benefits that affect your employment.

You must read, make yourself familiar, and comply with all provisions of this handbook. Be aware though, this handbook only acts as a guideline for your job and is not all inclusive. This employee handbook will not cover every situation you may face or answer every question you might have. In fact, we encourage you to ask your supervisor, Department Head or the Human Resources Director any questions you may have.

This employee handbook supersedes and replaces any and all other prior employee handbooks. No statement or promise by fellow employees, or supervisors or previous practice is to be interpreted as change in policy. Should any provision or policy in this handbook be invalid, unconstitutional, or conflict with federal or state law, this will not invalidate the entire handbook or other policies, just the provision in violation.

This handbook does not create a contract of employment for any duration. It is provided as information only.

## GENERAL

### **Policy or Handbook Changes**

No employee handbook can anticipate every circumstance or question about policy. As the City continues to grow, the need may arise to revise, supplement, or rescind any policies or portion of the Handbook. The City reserves the right to make any revisions, supplements or rescissions of these policies, from time to time as it deems appropriate, in its sole and absolute discretion without advance notice. Employees will be notified in writing of changes as they occur.

A copy of this manual will be issued to every City employee after initial employment and each employee will sign a receipt and acknowledgement statement that they have received the Handbook, understand its contents, and agree to the terms and conditions described. Anytime there is an update to the Handbook, all employees will be notified of the update. Failure to have a copy of the Handbook does not excuse the requirement that all employees follow the policies it contains.

## GENERAL

### **At-Will Employer**

The City is an employment at-will employer. This means that the City or any City employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his/her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the City's employment-at-will employer policy nor does it create an employment contract for any period of time.

## GENERAL

### **Equal Employment Opportunity Employer**

The City of Cabot provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race; color; religion; sex; national origin; age; disability unrelated to job requirements; genetic information; marital status; status as a veteran or member of the military or national guard; or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution; in accordance with applicable federal, state, and local laws.

The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, discipline and training.

## GENERAL

### **Discrimination**

The City will not engage in any form of employment discrimination based on race; color; religion; sex; national origin; age; disability unrelated to job requirements; genetic information; marital status; status as a veteran or member of the military or national guard; or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution; in accordance with applicable federal, state, and local laws.

The City hereby affirms its desire to maintain a work environment for all employees that is free from all forms of unlawful employment discrimination.

It is the policy of the City to provide equal employment opportunity for all employees. Employment discrimination based on grounds such as those listed above is a violation of City policy as well as federal and state law, and will not be tolerated.

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

- An employee should report alleged discrimination to their immediate supervisor, Department Head, or Human Resources Director. If the complaint is against your supervisor or Department Head, the complaint should be reported to the Human Resources Director.
- All alleged discrimination should be reported immediately. Failure to make a timely report of alleged discrimination may be a factor used in deciding the merits of the allegation.
- Employees are under an affirmative duty to report discrimination when they have knowledge it has occurred.
- Each complaint shall be promptly investigated based upon the circumstances of each case. A determination of the facts and an appropriate response will be made on a case-by-case basis. Employees may be asked to provide a written statement once a complaint is made.
- Any investigation will be performed as confidentially as possible and employees involved in an investigation as a witness are required to honor the confidentiality of the process. These employees are also expected to cooperate fully in an investigation. Any employee who does not honor this confidentiality or cooperate fully may face discipline action including, and up to termination.
- Employees reporting discrimination will be notified of the findings of the investigation.
- Employees reporting discrimination should also report any further harassment or subsequent acts which they believe are taken as retaliation for having exercised any right under this policy.

The City will not tolerate harassment or any form of retaliation against an employee who has alleged discrimination or has provided information during an investigation. Disciplinary action, up to and including termination will be taken against offenders.

## GENERAL

### *False Accusations*

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

## GENERAL

### Harassment

It is the policy of the City to provide a workplace free from harassment. Harassment is a form of employee misconduct. All employees must be allowed to work in an environment free from harassment based on race; color; religion; sex; national origin; age; disability unrelated to job requirements; genetic information; marital status; status as a veteran or member of the military or national guard; or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution; in accordance with applicable federal, state, and local laws.

Harassment based on grounds such as those listed above, includes any verbal or other conduct that demeans, insults or intimidates an employee or group of employees because of their race, color, religion, sex, national origin, age, disability, genetic information, veteran or military status, or any other legally protected status or group mentioned above. Prohibited conduct includes, but is not limited to, jokes, labels, names, slurs, verbal abuse, ridicule or stories offensive to a particular group of persons.

Because of the City's strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment, including but not limited to:

- Unwelcome sexual advances, including unwelcome requests for dating and the request for sexual acts or favors.
- Verbal abuse of a sexual nature, including sexually related comments/joking and graphic or degrading sexual comments about another's appearance.
- Nonverbal abuse of a sexual nature, including suggestive or insulting noises, leering, whistling or making obscene gestures and the display of sexually suggestive objects or pictures
- Physical conduct of a harassing nature, including inappropriate touching or brushing the body of another.
- Any other verbal, nonverbal or physical conduct of a harassing nature.

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

- An employee should report alleged harassment to their immediate supervisor, Department Head, or Human Resources Director. If the complaint is against your supervisor or Department Head, the complaint should be reported to the Human Resources Director.
- All alleged harassment should be reported immediately. Failure to make a timely report of alleged harassment may be a factor used in deciding the merits of the allegation.
- Employees are under an affirmative duty to report harassment when they have knowledge it has occurred.
- Each complaint shall be promptly investigated based upon the circumstances of each case. A determination of the facts and an appropriate response will be made on a case-

## GENERAL

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- Employees reporting harassment should also report any further harassment or subsequent acts which they believe are taken as retaliation for having exercised any right under this policy.

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

## GENERAL

### **Americans with Disabilities Act**

The City of Cabot abides by the requirements of “The Americans with Disabilities Act” (the “ADA”), all amendments of the Act and state laws governing the employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace, unless to do so would cause undue hardship.

In general, an accommodation is a change in the work environment or in the way things are customarily done that is not unreasonable and that enables an individual with a disability to enjoy equal employment opportunity.

There are a number of possible reasonable accommodations, including:

- Making existing facilities accessible;
- Restructuring non-essential elements of a job;
- Acquiring or modifying equipment;
- Changing or modifying tests, training materials, or policies;
- Part-time or modified work schedules;
- Permitting the use of vacation or an unpaid leave of absence;

Reassignment to a vacant position is also a reasonable accommodation if the disabled employee is qualified for the position. Vacancies in the employee’s department will be considered initially. If no suitable vacancies exist in the employee’s department, vacancies in other departments will then be considered. If an employee is reassigned to a vacant position, the employee will receive the wage rate for the vacant position.

Generally, an individual with a disability must inform his/her supervisor or the Human Resources Director that an accommodation is needed. If the individual notifies his/her supervisor, the supervisor must immediately notify the Human Resources Director. When the disability and/or need for accommodation are not obvious, the City may require the individual to provide documentation from the appropriate medical provider concerning the disability and the need for a reasonable accommodation.

## GENERAL

### **Job Descriptions**

Upon employment with the City, each employee will receive a job description that accurately describes the essential duties and functions of the respective position. While this job description is not all inclusive, it does describe the necessary functions that must be performed to do the job. Also included is an Americans with Disabilities Act checklist that provides the employee with additional information on certain movements, tasks, skills and other requirements that the employee must be able to perform.

Job descriptions may be updated periodically and it is the employee's responsibility to notify the Human Resources Director if any new or existing duties cannot be performed.

## GENERAL

### **Genetic Information Nondiscrimination Act Policy**

The City complies with the Genetic Information Nondiscrimination Act (GINA) and the Genetic Information in the Workplace Act (GIWA). GINA and GIWA prohibit employers and other entities covered by these laws from requesting or requiring the disclosure of genetic information of an employee or family member of an employee, except as specifically allowed by these laws. To comply with these laws, employees should not, directly or indirectly, disclose any “Genetic Information” to the City at any time.

“Genetic Information” includes an employee’s family medical history, the results of an employee’s or family member’s genetic tests, the fact that an employee or an employee’s family member sought or received genetic services, and genetic information of a fetus carried by an employee or an employee’s family member or an embryo lawfully held by an employees or family member receiving assistive reproductive services.

## EMPLOYMENT

### EMPLOYMENT

#### Employee Status

Prior to employment, the employee status will be designated as exempt or non-exempt. To be classified as exempt, the employee will have to qualify under a designated exempt group under the Fair Labor Standards Act.

Exempt employees will not be required to use the City's time tracking system, unless requesting paid-time off. These employees will be paid on a salary, not an hourly basis. A paid-time off request will only be necessary if an exempt employee misses an entire day of work. The only exception to this rule will be if an exempt employee is engaging in any sort of campaigning or election process during normal City business hours. If this occurs, the exempt employee must use vacation or personal time or mark those hours as unpaid leave. This is to insure public integrity.

All non-exempt employees will be required to use the City's time tracking system. These employees will be paid on an hourly basis. They must use vacation, sick, personal, comp time or take unpaid leave if he/she misses any part of work this is not part of a designated break.

The City reserves the right to change an employee from exempt to non-exempt status or vice versa. If this occurs, the employee will be notified in writing prior to its implementation and a new job description will be provided and signed.

## EMPLOYMENT

### **Terminations, Promotions, Transfers & Demotions**

All terminations, promotions, transfers and demotions will be approved by the Human Resources Director, City Attorney, and Mayor.

The only exception is designated Department Heads. Department Heads are notified upon employment that they are appointed by the Mayor and serve at his/her discretion. This does not separate them from other employees and the employment-at-will practice. Therefore, the Mayor may terminate their employment for any reason.

## EMPLOYMENT

### **Probation Period**

#### *Non-uniformed Employees*

All non-uniformed employees will be in a probationary status for the first six (6) months of employment. During the probationary period, these employees are still at-will and the probation period does not create a contract of employment for any duration and employees may be discharged at any time during or after probation.

#### *Uniformed Employees*

All uniformed employees, including Dispatch, will be in a probationary status for the first twelve (12) months of employment. During the probationary period, these employees are still at-will and the probation period does not create a contract of employment for any duration and employees may be discharged at any time during or after probation.

## EMPLOYMENT

### **Appeal Process**

In the event an employee is terminated, demoted, or suspended for more than two shifts, he or she may request an appeal. An employee must submit in writing within five (5) business days of the adverse action to the Human Resources Department if he or she wishes to appeal one of the actions mentioned above. The document must state that the employee or former employee is appealing the decision and have the employee or the former employee's signature and date along with a valid phone number the person can be contacted at.

Within three (3) business days of receiving the appeal, the Human Resources Director will schedule a date for the hearing as soon as possible. Once the employee or former employee has agreed to the set hearing, the hearing will not be rescheduled unless there is a documented emergency.

The appeal will be heard by the Mayor, Human Resources Director, and City Attorney. The Police Chief or a Police Captain will be present for safety purposes but will not be a part of the hearing for discussion or input.

The employee or former employee must attend the hearing alone. No other employees, Department Head, attorney or other representative will be allowed. The appeal will not be a trial and normal court proceedings will not be applicable. The purpose of the appeal will be for the employee or former employee to provide any information or proof that may be contradictory to the disciplinary action or to simply provide additional facts or an argument to the adverse action.

Once the hearing is complete and the employee or former employee leaves, the Police Chief or Police Captain will vacate the hearing. The Mayor, Human Resources Director, and City Attorney will then review the facts presented. This may lead to Department Heads, supervisors or witnesses being contacted for additional information. This in turn, may lead to the employee or former employee being contacted for additional information.

Within five (5) business days of the hearing, the employee or former employee will be contacted at the number listed in the original appeal request and informed of the decision by the Human Resources Director. A corresponding letter will be mailed to the employee or former employee's address with the findings and result. This letter will be placed in the employee's personnel file.

If a decision is reversed, the employee will receive reimbursement as if the employee had not been suspended, demoted or terminated. This includes pay, retirement, benefits, etc. Because of this, if a terminated employee chooses to appeal, any final payouts for unused vacation, compensatory, or holiday pay will be withheld until the final decision.

### Eligibility for Appeal

Any full-time employee who has been employed with the City for at least one year and is no longer in the initial probation period is eligible to file an appeal. Any part time or seasonal employees will not be allowed to file an appeal. Part time or seasonal is defined as anyone averaging less than thirty (30) hours a week in a calendar year.

## EMPLOYMENT

### **Job Posting / Advertising**

An application for employment will be accepted via online forms located on the City's website. A computer with internet access is available at City Hall for public access to the application. Each job will also be posted on the bulletin board outside of the doors that enter into the City Hall offices.

In the event of a job opening, the position(s) open will be announced and posted at least ten (10) days prior to the deadline for receiving applications. The City may decide to advertise the position in local publications, but will not do so for every job. The City may opt to post a position internally, which will be posted for a minimum of five (5) days. Whether it is open to the public or an internal posting, all City employees are encouraged to apply for any position he/she might be interested in. Applicants applying for a police or fire department position will have to take entry level exams.

All vacancy advertisements will state that the City is an Equal Opportunity Employer. The closing date for accepting new applications will be included in all notifications or the advertisement will state "until filled". In this event, the job will not close in less than ten (10 days.)

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

## EMPLOYMENT

### **Nepotism**

Relatives of persons currently employed by the City may be hired if they will not be working directly for or supervising a relative. A relative is defined as spouse, parent, child, sibling, uncle/aunt, nephew/niece, grandchild/parent or cousin. These relationships apply to foster, step and in-law as well.

If the relative relationship is established after employment; the employees, the Department Head and the Human Resources Director will make the decision if there is an eligible position open for a transfer or if one of the employees will be forced to resign or be terminated. If the situation arises that one employee may have an opportunity for a promotion or supervisory role, he/she may not be considered if the promotion would result in the employee supervising a relative.

In other cases where a conflict or the potential for conflict arises, the parties may be separated by reassignment or terminated from employment. In all cases, the Mayor must approve all hiring of relatives.

### *Relationships*

This policy also covers situations in which employees become romantically involved with other employees. An applicant in a romantic relationship with a current employee, may be hired if they will not be working directly for or supervising the current employee.

If a romantic relationship is established after employment, and the employees are in a situation in which one is working directly for or supervising the other, then this relationship must be disclosed to the Department Head. The employees, Department Head and the Human Resources Director will make the decision if there is an eligible position open for a transfer or if one of the employees will be forced to resign or be terminated. If the situation arises that one employee may have an opportunity for a promotion or supervisory role, he/she may not be considered if the promotion would result in the employee supervising someone he/she are in a romantic relationship.

In other cases where a conflict or the potential for conflict arises, the parties may be separated by reassignment or terminated from employment.

Failure to disclose a romantic relationship of this kind may result in disciplinary action, up to and, including termination.

## EMPLOYMENT

### **Post Offer Pre-Employment Physicals**

In addition to pre-employment drug screens, post-offer pre-employment physicals will be required for individuals applying for police and fire department positions or any other safety-sensitive position which the City determines is necessary for protection of public or personal health and safety. Such examinations shall be paid for by the City and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the City.

All medical files shall be maintained in the Human Resources Office along with any reports on whether the employee can or cannot do their job duties, and if any restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their evaluations are only recommendations subject to the decision of the Department Head and the Human Resources Director. An employee may begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant passing the examination.

Reports and records of all physical, psychological, and mental exams shall be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal, supervisory or administrative personnel within the City.

## EMPLOYMENT

### **Orientation**

Upon hiring with the City, each employee will have an orientation with the Human Resources Department. During this orientation, each employee will receive numerous items including, but not limited to: employee handbook, safety handbook, job description, etc. Each employee will also fill out appropriate I-9 and tax forms. Each eligible employee will also be given the opportunity to register for City issued and sponsored health benefits.

During this orientation, employees are encouraged to ask all questions concerning employment, City policies, benefits, or anything work related.

## EMPLOYMENT

### **Job Evaluation**

All full-time City employees will participate in a performance review session, at least annually, with their supervisor or Department Head. If an employee has been employed less than a year at the time of evaluations, the supervisor or Department Head may choose not to provide one. All evaluations are standard and uniform throughout the entire City. This evaluation covers everything from safety to job knowledge.

Year-end job evaluations are due from all supervisors every year by January 31<sup>st</sup> of the following year. Every employee (with the exception of those employed less than one year) will have a meeting with his/her supervisor or Department Head to review and discuss the results. Evaluations are based on the employee's performance and he/she will not be compared to any other person's performance. There is no performance bonus or any monetary value given to an employee based on their evaluation.

Each employee is required to sign their evaluation acknowledging it has been received and discussed. An employee's failure to sign will be noted in the evaluation by his/her supervisor.

## EMPLOYMENT

### **Pay Periods and Workweek**

All employees are paid every two weeks by the end of the business day on Friday. The only employees excluded from this are the City Council and Planning Commission who are paid once a month, on the Friday of the first normal payroll cycle. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Work schedules are established for all employees based on the needs of their department and the City of Cabot in accordance with the provisions of the Fair Labor Standards Act. An employee's schedule can be altered at any time by their immediate supervisor or Department Head. The Department Head and their Supervisors have the right to establish an employee's work schedules based first and foremost on the needs of the department and the City.

Hours of work shifts for police and fire employees will be in accordance with state statutes, federal law, and will be set by the Police Chief and the Fire Chief, subject to the direction and approval of the Mayor.

## EMPLOYMENT

### **Attendance and Punctuality**

Employees are expected to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive, and places an unnecessary burden on fellow employees, supervisors, City government as a whole, and the taxpayers who receive City services. Consequently, regular attendance and punctuality is considered to be an essential function of all jobs with the City.

Employees shall report to their workstations in accordance with the rules established by their Department Head. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should provide their supervisor with proper notice prior to the start of their scheduled work or as soon as possible. Unjustified or repeated absenteeism and/or tardiness will result in disciplinary action, up to and including termination.

“Proper notice” is defined by the City to be at least a one (1) hour notice in advance of the time an employee is scheduled to report for work. Department Heads may require more of a notice in advance to ensure adequate staffing. This requirement needs to be in writing to employees prior to implementation. In the event that the employee is incapacitated or otherwise unable to provide notice personally, notice may be provided to the City by a representative for the employee and further updates will be communicated by the employee.

An absence of an employee from duty, including any absence of one (1) day or part thereof (other than an absence authorized by this personnel handbook or by law), that is not authorized by the Department Head or the employee’s supervisor should be deemed an unauthorized absence. This also includes leaving the employee’s designated work area without notifying a supervisor or Department Head first. Such an absence shall be without pay for non-exempt employees and the employee will be subject to disciplinary action, up to and including termination.

### *Refusal to Work*

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

## EMPLOYMENT

### **Time and Attendance/Pay**

#### *Non-Exempt Employees*

The City uses an electronic system to track time and attendance. Hours worked may be tracked by either a physical time clock or by computer software. Each non-exempt employee is required to clock in and out each day for all hours worked. Employees and supervisors are to ensure all electronic timesheets are reviewed and approved by 9:00 a.m. the Tuesday of the payroll week. Falsifying or tampering with timesheets or time clocks will result in disciplinary action, up to and including termination.

If an employee is not present to approve his/her hours worked, the supervisor will approve the time in the employee capacity so payroll can be approved. If the supervisor does this, he/she must have the employee fill out the "Employee Time-Card Sign Off" sheet and submit to the Human Resources Office as soon as possible.

Arriving early or leaving late for the employee's own convenience is not to be included work time and the employee is not to engage in work until the scheduled work time. If any employee does perform duties during such intervals, the actual number of hours or minutes worked should be accurately recorded. If an employee is late, leaves early, takes a long lunch, etc., appropriate entries should be made on the electronic timesheets. The electronic system is set to allow punches to be rounded to fifteen minute intervals in accordance with the Fair Labor Standards Act.

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor. FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action, including, but not limited to, discipline up to termination.

If a non-exempt employee has a scheduled break period of 30 minutes or more, this employee will be relieved of all active duty responsibilities during the break period and will not be compensated for that time. The employee is not relieved if he/she is required to perform any duties during the break period. If the employee is not relieved of all active responsibilities for thirty (30) uninterrupted minutes, then he/she will be compensated for that time even if part of the time was spent not working. Also, non-exempt employees may not have a lunch period deducted if the employee does not leave his/her office or desk.

#### *Exempt Employees*

In compliance with the Fair Labor Standards Act, exempt employees do not have to clock in or out for time worked. If for any reason an exempt employee will be absent for an entire day then the exempt employee is to request paid time off in the system. Failure to do so could result in disciplinary action. If an exempt employee works during the day, he/she is not to request time off.

## EMPLOYMENT

The only exception to this rule will be if an exempt employee is engaging in any sort of campaigning or election process during normal City business hours. If this occurs, the exempt employee must use vacation or personal time or mark those hours as unpaid leave.

Exempt employees are generally expected to work a minimum of forty (40) hours per week. The City realizes that in certain situations this may not be the case every pay period. If an exempt employee shows repeated abuse of the exempt status though, it may result in disciplinary action, up to and including losing his/her exempt status.

### Payroll Errors

The City takes every reasonable step to ensure that all employees receive the correct amount of pay in each payroll and that the employees are paid promptly on the scheduled payday. In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor or Department Head so that corrections can be made as quickly as possible. The City will not be responsible for fees assessed by a third-party should a payroll error occur causing an employee to receive their payroll later than scheduled. The City will not retaliate against an employee who reports a discrepancy.

## EMPLOYMENT

### **Pay Forms**

While the City will not force anyone to participate in direct deposit, the City does not issue paper checks for hours worked. Employees not wishing to receive direct deposit may request an electronic pay card which will be loaded with the employee's pay. There will be no cost to the employee for this form of payment. If the employee loses the pay card or incurs any costs for overdrafts or any other fees, the City is not liable.

## EMPLOYMENT

### **Personnel Files**

The City maintains an official “Personnel File” on each employee. This file contains the employee’s job application, resume, records of training, documentation of performance evaluations, salary increase information, disciplinary notices, letters of commendations, and other employment records.

Personnel files are the property of the City, and access to the information contained is restricted. Employees who wish to have a copy of his/her file should submit a written request to the Human Resources Director. No other person (except the employee’s supervisors, Mayor, City Attorney, and the Human Resources Director) may see an employee’s file unless a written request to examine is submitted and approved by the Human Resources Director.

The City will comply with rules governing requests for an employee’s personnel record under the Arkansas’ Freedom of Information Act (FOIA). Only that information specified in a signed release or required by law or a court of competent jurisdiction will be released. The City will make reasonable efforts to notify an employee, in advance of any request it receives to release personnel information. If the employee fails to promptly object to release of the information, the City will be entitled to a presumption that the employee waived his/her right to object.

The Human Resources Director will take reasonable measures to protect the privacy of current and former employee’s data when responding to employment inquiries where FOIA exemptions apply. The City will make its best efforts to notify current employees if any of their personnel file has been requested by another employee or an outside entity.

Removal of any item from the employee’s personnel file may only be done by the Mayor or Human Resources Director.

### *Personal Data Changes*

It is the responsibility of each employee to promptly notify Human Resources of any changes in personal data. Personal mailing addresses, telephone numbers, emergency contacts, and any other such status reports should be accurate and current at all times. Any change in the employee’s marital status and/or name should complete the appropriate documentation with Human Resources.

## EMPLOYMENT

### **Pay Range**

Currently, the City of Cabot determines each employee's appropriate pay range by using the salary survey published each year by the Arkansas Municipal League, which uses third party data to compare similar cities in Arkansas. Published changes will be effective the following January 1<sup>st</sup>. Any employee who does not meet the minimum of his/her established range will be moved to the minimum if any given COLA or raise does not get that employee to the minimum, budget permitting.

Likewise, if an employee is over the maximum, in the event a COLA or raise is given, he or she will only receive the COLA. The employee will receive a one-time payout of what the raise would have been if added to the employee's salary.

If an employee's salary range cannot be established with the AML published data, then the Human Resources Director will establish a range for the employee by compiling and comparing local, state, and national data. This range will be approved by the City Attorney and Mayor.

## EMPLOYMENT

### **Fitness for Duty Exam**

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

## EMPLOYMENT

### **Use of City Property**

Employees are responsible for all City property, keys, credit cards, materials and/or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon separation of employment. Failure to do so will be considered theft of property and may be referred to the appropriate law enforcement agency. To recoup any loss, the City holds the right to recover the cost of the damaged or lost item from the employee's last payroll check.

Also, the use of the City paid postage for personal correspondence is not permitted.

## EMPLOYMENT

### **City-Owned Vehicles**

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

The use of City vehicles is restricted to City business purposes only and employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City without prior permission from the Department Head or Mayor. Also, with prior permission, employees may transport spouses in City vehicles when attending conferences or meetings. Employees designated by his or her Department Head will be allowed to take home a City vehicle.

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

Thefts or accidents involving City vehicles must be reported immediately to the police and the Human Resources Director. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

## EMPLOYMENT

### **City Cellular Phones and Tablets**

The City of Cabot has an unlimited plan for usage for City cell phones and tablets. The City provides certain employees with electronic and telecommunication equipment for use in the performance of their duties. While these devices are provided to perform City business and as a means for the employee to be contacted at all times, the City allows these employees to use these for personal usage as well. The main purpose of these devices though is primarily for non-compensatory business purposes.

By accepting the use of City-issued cellular telephones and tablets, employees agree to promptly reimburse the City for any usage which results in an additional charge to the monthly bill.

While the City recognizes personal use, employees must be respectful and not engage in any conduct that would violate the *Internet, Phone and Email Usage* policy listed under the Conduct section of this handbook.

Employees with personal privacy concerns should be aware that any usage on the City issued cell phone or tablet might be subject to disclosure to the public by the Arkansas Freedom of Information Act.

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

## EMPLOYMENT

### **Drug-Free Workplace**

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

Employees convicted of controlled substances related violations in the workplace must inform the City within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination, as allowed by federal, state, and local law. At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

### Prescriptions

If an employee is in a safety sensitive position and has a prescription for any medicinal drug or controlled substance that could cause the employee to be impaired or prevent the employee from successfully doing the essential functions of his or her job, the employee is to report this information to his or her supervisor/Department Head and the Human Resources Department. With public or safety sensitive positions, certain prescriptions may prevent employees from safely fulfilling the essential duties of the job. Failure to disclose this information could result in discipline up to termination. Each employee's job description will designate whether or not the employee is in a safety sensitive position.

### Employee Assistance Program

Any employee who needs assistance with controlled substance abuse or rehabilitation may reach out to the City's Employee Assistance Program which is provided to every employee. For more information please read the section titled *Employee Assistance Program* under the Benefits section or contact the Human Resources Department.

### Medical Marijuana

While testing positive for drugs and/or metabolites in any authorized drug test will most likely lead towards termination; there will be an exception for non-safety sensitive employees authorized to use medical marijuana under the Arkansas Medical Marijuana Amendment. These employees are not subject to discipline solely because of a positive test for marijuana. The Amendment does not permit an employee to work under the influence of marijuana on employer premises or during employment hours.

## EMPLOYMENT

### **Drug and Alcohol Testing**

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

#### *Types of Testing*

This City policy provides for testing for drug and alcohol abuse by employees who hold safety or security sensitive positions which otherwise are not covered by the controlled substance screen requirements of the Federal Motor Carrier Safety Regulation.

Also, this City policy provides for testing for drug and alcohol abuse by any employee who has a Workers' Compensation injury, vehicle accident, or incident that causes damage to someone else or City property.

Finally, this City policy provides for testing for drug and alcohol abuse by any employee under "reasonable suspicion". "Reasonable suspicion" drug training will be provided to supervisors by a third-party service certified to provide this training.

Any City employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal, as allowed by federal, state, and local laws. This also applies to any employee who refuses to take a drug or alcohol test listed under one of these types of tests.

## EMPLOYMENT

### **CDL Drivers and The Omnibus Transportation Employee Testing Act of 1991**

It is the City of Cabot's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all City employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The City of Cabot will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL.

Also, once every other year all City employees required to have a CDL must participate in his or her bi-yearly physical which will be paid for by the City at a facility chosen by the City.

## EMPLOYMENT

### **Resignation / Termination**

Employees desiring to terminate their employment relationship with the City are urged, but not required, to notify the City at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's Department Head or supervisor. Employees who plan to retire are urged to provide the City with a minimum of two (2) months' notice. This will allow time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled will commence in a timely manner.

Upon termination, employees shall be compensated for any vacation, compensatory time, or holidays (uniformed personnel) earned as of the last day of employment. Unused sick leave will be paid upon retirement if the employee receives a retirement benefit from that employee's designated retirement system at the conclusion of employment with the City. Unless otherwise required by law, employees will not be compensated for unused sick leave upon termination of employment. The Human Resources Director will adhere to the leave balance as of the employee's last day of employment. All employees are expected to return all assigned property to the City. The employee's vacation leave payout will be held until all City owned property is returned. Failure of any employee to return City property will be considered theft of property and may be referred to the appropriate law enforcement agency.

Personnel dismissed for flagrant offenses such as theft, misappropriation, etc., will not receive a vacation payout. All of these instances will be reviewed by the Mayor and the Human Resources Director. All employees shall receive accrued compensatory time regardless of the reason for termination. Employees terminated from employment are not eligible for rehire.

Employees who fail to report to work without approval from a supervisor or the Department Head shall be considered to have abandoned their job effective at the end of their normal shift. Extenuating circumstances will be considered such as an obvious inability to make a phone call. Employees who are separated due to job abandonment are ineligible for rehire. Accrued compensatory time will be paid regardless of the circumstances.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at-will, with or without cause, at any time.

## EMPLOYMENT

### **Arkansas Whistleblowers Act**

In accordance with Arkansas Code Annotated §21-1-603, the City shall comply with the Arkansas Whistleblowers Act. The City shall not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith to an appropriate authority:

- The existence of waste of public funds, property, or manpower, including federal funds, property, or manpower administered or controlled by the City; or
- A violation or suspected violation of a law, rule, or regulation adopted under the law of this state or a political subdivision of the state.

The communication shall be made at a time and in a manner which gives the City reasonable notice of need to correct the waste or violation. For purposes of policy, an employee communicates in good faith if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. Good faith is lacking when the employee does not have personal knowledge of a factual basis for the communication or when the employee knew or reasonably should have known that the communication of the waste or of the violation was malicious, false, or frivolous.

The City shall not take an adverse action against an employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review. Nor shall the City take an adverse action against an employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of laws of the state or a political subdivision of the state.

## CONDUCT

### CONDUCT

#### **Public Relations**

One of the most important duties for all employees is to be helpful and courteous to Cabot residents and visitors. The actions and attitudes of our employees have a powerful influence on the perceptions of the public concerning their City government. It is important that employees be civil, orderly and courteous in their conduct and demeanor. When in contact with the public, an employee must be aware that his/her appearance, actions and statements are in essence those of the City. Your conduct both on and off duty can reflect how the Cabot residents feel about their government; therefore, the City expects all employees to not engage in behavior that reflects negatively on the City and its officials. Violations of this policy could result in disciplinary action, up to and including termination.

## CONDUCT

### **Representing the City**

No employee may represent the City before the media or public unless specifically authorized by the Mayor. Employees are expected to refer all inquiries and requests for presentations or comments to their supervisor or Department Head. An employee may not use City letterhead for correspondence outside of the City or for expressing a personal conclusion or point of view. If an employee makes a statement to the public, be it orally or in some form of writing, he/she needs to make sure his/her statements are accurate to the best of their knowledge and are not statements of harassment or fraudulent information. Failure to follow this policy may result in disciplinary action.

Should an employee wish to comment on a matter of public concern, the employee must always maintain a clear distinction in public expression, whether written or oral, that the views or opinions expressed by the employee are that of the employee and do not reflect the views or opinions of the City.

## CONDUCT

### **Uniforms / Personal Appearances**

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Department Head. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty when necessary. Uniforms shall be kept as neat and presentable as working conditions permit. Uniforms should not be worn during off-duty hours unless prior authorization is obtained from the supervisor or the Department Head.

Employees not required to wear uniforms should dress in appropriate professional department attire, avoiding extremes in attire in the office and while representing the City off-site. If an employee is not sure what constitutes appropriate attire, then the employee should check with his/her supervisor or Department Head or the Human Resources Director.

A supervisor or Department Head may require an employee to leave work to correct any feature of his/her personal appearance or uniform. If an employee has to leave work during work hours to correct this problem, the employee will not be paid for the absent time and may use paid leave to compensate for time lost.

# CONDUCT

## Employee Expectations

An employee of the City is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, citizens and/or the City. Whether an employee is on-duty or off-duty, his/her conduct reflects on the City.

Any employee charged or cited with a crime/violation must report the incident in writing to his supervisor and the Human Resources Director within 24 hours. A decision will then be made to determine if the nature of the charge or citation will warrant further action.

Listed below are examples of behaviors and conduct the City considers inappropriate. While this list is not all inclusive, it does provide a basic guideline for employees to be aware of actions the City will not tolerate. Any violation of these rules will result in disciplinary action, up to and including termination.

- Falsification of employment or other City records.
- Soliciting or accepting gratuities in the course of work.
- Excessive absenteeism, tardiness, or any absence without approval.
- Unauthorized absence from the work station during the workday or job abandonment.
- Unauthorized disclosure of confidential information.
- Unauthorized or inappropriate use of City property.
- Violation of personnel or departmental policies.
- Unsatisfactory performance or conduct.
- Possession, distribution, purchase, sale, transfer or use of alcohol, or controlled substances in the workplace, while on duty, or while operating City owned vehicles or equipment.
- Violent acts in the workplace such as fighting or using obscene, abusive or threatening language or gestures in the workplace or violent acts.
- Boisterous or disruptive activity in the workplace or creating conflicts among employees.
- Theft or inappropriate removal or possession of co-workers or City property.
- Unauthorized or illegal possession of firearms or other dangerous materials on City premises or while on City business.
- Disregarding safety, health, or security rules.
- Insubordination or other disrespectful conduct.
- Negligence or other improper conduct leading to damage of City property.
- Untruthfulness of verbal or written communications, either with fellow employees or members of the public.
- Conviction of a felony, or the entry of a plea of nolo contendere to such crime.
- Sleeping during work hours (except as authorized at the fire department).
- Misuse of City funds.
- Any form of inappropriate or sexual activity in a City facility or City vehicle.

## CONDUCT

### Leave Abuse

Employees should understand leave abuse not only interferes with the operations of the City, but it can put an undue burden or hardship on fellow employees. Consideration can be given to an employee who had a major disability, surgery, or medical emergency that depleted their leave balance. If the leave was covered under the FMLA, the supervisor shall not count that leave against the employee. Supervisors should carefully review the entire situation around absentee problems before acting. Supervisors should also be cautious for leave that falls under the ADA and FMLA. Supervisors are encouraged to consult the Human Resources Department or the City Attorney for questions regarding sick abuse.

While the City provides employees with a variety of paid-time off options, employees need to be cognizant of leave abuse. Listed below are some of the examples supervisors may consider when dealing with absentee problems:

- Type and length of absence
- The effect the absence has on the operation of the work unit or location
- Excessive use no matter how much time the employee has
- The frequency of absences
- The duration of absences
- Consistently missing on Friday or Monday or before or after holidays
- Absences in the first 90 days
- Patterns of absences
- Proof employee's offer to show their absence was valid; and
- Absences due to an illness or disability that might fall under FMLA or ADA regulations

Reviewing patterns of sick leave usage provides a guide for supervisors when deciding if absenteeism is a problem. Although this list does not try to include every situation, it does provide examples of patterns:

- Sick leave used on Fridays and Mondays, or the day before and/or after regularly scheduled off days (i.e. vacation or birthday)
- Sick leave used before and after holidays
- Sick leave used following pay days
- Vacation leave used because sick leave has been exhausted
- Repeated charging of vacation leave for tardiness
- Use of leave without pay because all vacation or sick leave has been exhausted
- Use of leave at or about the same rate as it is earned
- Using vacation and sick leave in combination
- Use of any type of leave for illnesses because sick leave has been exhausted
- A high 'absentee percentage', i.e., days absent divided by days scheduled; excessive absences in a certain time frame
- For fire department employees on 24-hour shifts, repeated use of sick leave on short pay periods with only 96 hours

## CONDUCT

### **Disciplinary Action**

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

Disciplinary actions may include, but not be limited to: oral warning (which may include a summary of the warning that will not be signed by the employee), written warning or reprimand, suspension, demotion, transfer, or termination.

It is the City's policy that disciplinary action should be used to help an employee conform his/her behavior to the reasonable expectations of the City. In the ordinary course, a Department Head may use verbal warnings or written warnings. If the employee fails to improve job performance, the Department Head may recommend to the Human Resources Director and/or the Mayor unpaid suspension, demotion or dismissal from City employment. The severity of the offense will determine the type of disciplinary action issued. The Department Head may delegate the ability to issue disciplinary actions to a supervisor within their department.

Department Heads should forward copies of all disciplinary actions to the Human Resources Director to be maintained in the employee's personnel file.

## CONDUCT

### **Smoking / Tobacco Policy**

In keeping with the City's intent to provide a safe and healthful environment for both employees and citizens, smoking is prohibited throughout all City workplaces except in designated areas. The use of any tobacco product is prohibited inside any City-owned facility which includes all vehicles and apparatus. This includes but is not limited to electronic nicotine delivery systems or system and also includes lighting, emitting, or exhaling smoke of a pipe, cigar, cigarette, smokeless tobacco, or any other nicotine delivery system of any kind.

The Arkansas Clean Indoor Air Act prohibits smoking in enclosed areas of a place of employment including but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and/or employer-owned vehicles. All employees, guests, and other visitors are expected to comply with this policy, and employees who violate it or who retaliate against anyone who complains of a violation of this policy, will be disciplined.

Should you have a question, compliant or dispute about smoking in the workplace, talk with your supervisor or the Human Resources Director.

## CONDUCT

### **Political Activity**

City employees can, should and are encouraged to participate in the election process so long as assistance to candidates is rendered on the employee's own time and City property is not involved. Employees are not to endorse candidates in their official capacity as City employees. The legal provisions can be summarized as follows:

- City employees are prohibited from engaging in political activity during the hours they are performing work and being compensated by the City (including social media) or while wearing a City uniform or City identification.
- Political banners, posters or literature should never be displayed in any City office.
- Political bumper stickers or decals should never be displayed on/in a City vehicle. City vehicles must not be used during or after working hours to promote or assist the candidacy of any person in any way.
- No City official, whether elected or appointed, shall enlist employees for any political purpose or use treats or coercion to require or persuade an employee to contribute to a particular candidate or cause.

## CONDUCT

### **Internet, Phone and E-Mail Use**

The City of Cabot provides nearly all City employees with access to City owned computers necessary to perform the functions of the employee's job description and job duties and are intended primarily for business use. This includes electronic mail and internet systems along with various software and applications. A City issued cell phone or tablet may act in the same manner as a computer.

Even though City-issued devices are to be used for City purposes, the City acknowledges that there will be times when an employee needs to use one of these devices for personal use. This should be only used during hours away from work, designated breaks or in emergency instances. If the internet or device needs to be used for personal matters extending beyond these circumstances, the employee needs permission from their supervisor or Department Head. The only exception is the fire department employees who work 24 hour shifts. These employees have more time designated for personal use. These employees must not abuse this exception and must follow City policies.

While all of these devices provide an efficient method to exchange information and perform tasks within City offices, any damage or misuse of City-owned computers or other City-issued devices may be subject to disciplinary action, up to and including termination. Furthermore, employees may be asked to replace damaged or misused devices at the employee's cost.

Examples of misuse include but are not limited to:

- Overuse of the internet or devices for personal matters during scheduled work hours.
- Transmitting material that contains bullying, sexual harassment, threatening, pornographic, obscene, false, defamatory, or any material that is or could be construed as offensive.
- Using the internet for anything that would not be deemed as appropriate material. This includes but is not limited to pornographic sites, gambling sites, etc.
- Misuse or overuse of social media during work hours not designated as "breaks" or emergency purposes. Examples include Facebook, Twitter, Instagram, etc.
- Using the system for any illegal, immoral, or unethical purpose.
- Speaking on behalf of the City when not authorized by the employee's supervisor, Department Head, or the Mayor's Office.
- Downloading, installing or deleting content not authorized by the Information Technology Director.
- Purposely accessing other employees' or supervisor's files, emails, etc. without proper authorization.
- Connecting non-City issued devices to the City's network without prior consent of Information Technology Director.
- Illegal reproduction of software and other intellectual property protected by U.S. copyright laws and by licensing agreements.

All City-owned devices and property belong to the City. Therefore, all materials on these devices belong to the City. Department Heads may gain access to a City employee's E-mail, Internet cache or files without that employee's permission for any reason at any time. There is no individual right to privacy on any City computer system or device. Passwords do not guarantee confidentiality.

## CONDUCT

The password rule excludes information concerning social media. All passwords related to social media function that are used on City owned devices on the employee's designated break time are the sole property of the employee.

The City reserves the right to install spam, anti-malware, and spyware filters and similar devices or software if necessary in the judgment of the City's Information Technology Director to protect the security and integrity of the City's computer resources.

As a public sector employer, all electronic files (including E-mail files) are subject to public inspection and copying under the Freedom of Information Act (FOIA). This access by the outside public further warrants the need for employees to only use City issued devices appropriately and only for City related tasks as much as possible.

All of these guidelines also pertain to use of City programs and software even if the employee is not on City property. Misuse of City issued software, such as company e-mail or internet based programs, can also lead to disciplinary action, up to and including termination.

### *Use of Privately Owned Electronic Devices for Public Job Related Purposes*

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

## CONDUCT

### **Texting**

No City employee shall text while operating City vehicles. This is enforceable by Arkansas Highway regulations as State law. City employees should try to refrain from using a cell phone or any device unless using a Bluetooth or hands-free device.

Texting during meetings or conversations should be refrained from or extremely limited. While it is important for City employees to respond to messages as soon as possible, it does not warrant excessive emailing and texting during meetings.

## CONDUCT

### **Social Media**

Social Media usage during work hours on City devices has been discussed in the previous section titled *Internet, Phone, and Email Use*. Outside of the employee's designated work hours, employees are free to engage in free speech in all forms of social media and the City will respect all rights conferred by the FLSA and NLRB.

There are a few exceptions to this rule. Some examples are included but not limited to:

- Making violent or terroristic threats to any City employee or citizen.
- Acting on behalf or as a spokesperson for the City unless authorized by the City.
- Reporting any confidential or pending information that is not ready to be released to the public or accessible by FOIA.
- Knowingly make false or blatantly wrong accusations or remarks regarding the City.

Violations may subject the employee to disciplinary action, up to and including termination.

## CONDUCT

### **Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of the employee's and the City's interests. This policy establishes only the framework within which the City desires to operate. The purpose of these guidelines is to provide general directions. Employees can seek further clarification on issues related to the subject of acceptable standards of operation. If there is any conflict of interest, it is the employee's responsibility to contact the City Attorney's Office.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in the personal gain for that employee or for a relative as a result of the City's business dealings. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but personal gain may also occur when an employee or relative receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving the City. For the purpose of this policy, a relative is any person who is related by first or second degree of consanguinity or whose relationship is similar to that of person who is related by blood or marriage.

No presumption of guilt is created by the mere existence of a relationship with outside firms. If employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to the City as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

If an employee is a part of any transaction that results in a potential conflict of interest without consulting the City Attorney's Office or receives any sort of kickback, bribe, benefit, etc., and does not follow the guidelines of this policy, the employee may face disciplinary action, up to and including termination.

## CONDUCT

### **Outside Employment**

If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval. If, as an employee of the City, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. The work of a full-time employee of the City shall have precedence over any other occupational interest or pursuit of the employee. A full-time employee is expected to be available for work during all regular working hours and for overtime as required. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these polices. City uniforms shall not be worn during outside employment unless approved in advance.

If it is determined that an employee's outside work interferes with performance or the ability to meet the requirements of the City, as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain an employee of the City.

An employee may work for another entity on an approved vacation or personal day. Employees may not use sick leave to work for other employers. If an employee is on FMLA and it is a non-scheduled work day, and the outside employment does not violate the doctor's restrictions which prevent the employee from working for the City of Cabot, the employee may work for outside compensation. Violation of this policy may result in disciplinary action, up to and including termination.

## CONDUCT

### **Outside Compensation**

No reward, gift or other form of payment for work or services in addition to regular compensation shall be received from any source by employees of the City for the performance of their duties as employees of the City without first obtaining approval of the Mayor.

The only exception to this is uniformed employees required to testify at Courts outside of Cabot. For more information, please refer to the section titled *Jury Duty*.

## CONDUCT

### **Safe Workplace**

The City of Cabot strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and the practice of good work habits. If an employee is not confident of the safest method, he/she should ask his/her supervisor or Department Head for the correct method.

Upon hire, all employees are issued the City Safety and Health Policy which provides detailed safety regulations.

Unsafe conduct is misconduct. Violations could result in disciplinary actions. The following safety rules should always be observed:

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to a supervisor.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report every accident to the supervisor or Department Head.
- In a motor vehicle accident in all cases involving property damage more than superficial, employees will contact police for a report and notify their supervisor.

Employees are encouraged to report violent, potentially violent or questionable behavior of co-workers, family members of co-workers, citizens, and/or vendors occurring on the worksite or while on duty to their supervisors. To reduce the risk of violence to employees, supervisors and Department Heads should take appropriate action including notifying local authorities, requesting the disruptive person to leave the premises, and/or documenting and discussing the incident with the Human Resources Director and the Mayor

## COMPENSATION

### COMPENSATION

#### Overtime

##### Non-Uniformed Employees (Includes Dispatchers)

Employees should try to avoid overtime as much as possible. However, whenever a non-exempt employee works more than 40 hours in a workweek, the employee will be entitled to an overtime premium at the rate of one and one-half (1 ½) the employee's regular rate of pay or compensatory time accrual at the same rate. Overtime or Compensatory time accrual will be given at the discretion of the Department Head. The employee will be aware before the overtime is worked if the overtime will be paid out or compensatory time accrued.

Overtime must be pre-approved by the Supervisor or Department Head. Any employee who has unauthorized overtime may be subject to disciplinary action. Repeated offenses may lead to disciplinary action, up to and including termination. Employees are strictly prohibited from working overtime and not reporting the time as time worked to avoid going into overtime status.

Whether or not the employee obtains supervisor authorization, the employee must report all hours worked in excess of forty (40) during any workweek. All hours worked must be recorded, and all hours worked will be compensated. It is the City's intention to properly record and pay for all hours worked.

Overtime is considered a condition of employment. Refusal to accept overtime when reasonable notice has been given is cause for disciplinary action, up to and including termination. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime.

Overtime pay may be made in the form of compensatory leave to the employee at the discretion of the supervisor or Department Head. An accurate record of compensatory time will be maintained by the City. Please reference the section on *Compensatory Time* for additional information.

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for any hours worked in excess of forty (40) per work week.

##### Uniformed Employees (Fire and Police)

The City elects the 7k exemption under the Fair Labor Standards Act for non-exempt law enforcement personnel to be scheduled to work up to eighty-six (86) hours in a fourteen (14) day work period prior to earning overtime compensation. The City elects the 7k exemption for non-exempt firefighters to be scheduled to work up to one hundred six (106) hours in a fourteen (14) day work period prior to earning overtime compensation.

## COMPENSATION

If a non-exempt uniformed employee works more the designated hours to achieve overtime status in a pay period, the employee will be entitled to an overtime premium at the rate of one and one-half (1 ½) the employee's regular rate of pay or compensatory time accrual at the same rate. Overtime or Compensatory time accrual will be given at the discretion of the Department Head. The employee will be aware before the overtime is worked if the overtime will be paid out or compensatory time accrued.

Uniformed employees who are exempt from the overtime provisions of the Fair Labor Standards Act will not be entitled to additional pay or compensatory time for hours worked in excess of eighty-six (86) per 14 day period for law enforcement personnel or one hundred six (106) per 14 day period for fire protection personnel.

## COMPENSATION

### **Holiday and Holiday Pay**

The City will grant paid time off to all full-time employees on the holidays listed below:

- New Year's Day                      January 1<sup>st</sup>
- Martin Luther King Day            Third Monday in January
- Memorial Day                        Last Monday in May
- Independence Day                  July 4<sup>th</sup>
- Labor Day                              First Monday in September
- Veteran's Day                        November 11<sup>th</sup>
- Thanksgiving Day                  Fourth Thursday in November
- Day After Thanksgiving
- Christmas Eve                        December 24<sup>th</sup>
- Christmas Day                        December 25<sup>th</sup>
- Personal Day                         Anniversary Date (1<sup>st</sup> day of the month following one year of employment)

The Mayor may issue an order granting additional days as holidays in observance of special events or for other reasons.

### *Non-Uniformed Employees*

To be eligible for holiday pay, the employee is required to work their regularly scheduled workday preceding and following the holiday. An approved vacation or other excused paid day off is considered a day worked for purposes of holiday pay eligibility. Anyone who uses a sick paid day off may be asked to bring a doctor's note or may not receive the holiday pay. This decision will be made by the Department Head and the Human Resources Director.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a holiday occurs during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off. Employees on leave without pay status will not be compensated for holiday pay. Employees working on a holiday will receive pay for the number of hours worked at the appropriate rate in addition to the eight (8) hours of holiday pay. Employees on FMLA paid-leave status will be compensated for holiday pay. Non-worked hours for holidays will not be counted as hours worked for the purposes of determining overtime

Each full-time employee will also receive a personal day after one (1) year of employment and an additional personal day each year of employment the month of the employee's anniversary day. Employees need to try to keep the amount of personal days at eight (8) hours (one shift). Personal Days must be taken in eight (8) hour increments. Employees who have over eight (8) hours of personal time, must take this time before using vacation days. Personal days will be counted as hours worked for the purposes of determining overtime.

## COMPENSATION

### Uniform Police and Fire Holiday Pay (Includes Dispatchers)

In accordance with Arkansas Code annotated §14-52-105 and §14-53-106, all uniform police and fire employees shall be compensated for all legal holidays established by the governing body of the municipality. All Police, Dispatch and Fire Department uniform employees shall receive one lump sum payment annually in December. For each holiday the employee was employed, he or she will receive eight (8) hours times his or her rate of pay.

## COMPENSATION

### **Off-Duty Pay**

As always, the City of Cabot strives to be compliant with all Federal and State employment laws, especially anything in relation to “wage and hour laws.”

The City is aware that for all uniformed personnel, including Dispatch, sometimes the job necessitates outside of scheduled work hours to check emails, receive phone calls, etc. To be in compliance with the above said laws, the City wants to make sure that even though these instances are brief, sometimes not even a full minute, that these instances are compensated. The City understands it would be burdensome on you as the employee and us as the employer to report and track how often you check your email or recording one and two-minute calls.

Therefore, each uniformed employee will receive half an hour added to each bi-weekly pay period. This half an hour will be coded and referred to as Off Duty Pay. If this half an hour comes at a time when an employee receives overtime, then the half an hour will be overtime. If this extra half an hour does not put the employee in overtime status, then it will be half an hour at straight pay.

The City believes that an extra half an hour per pay period is more than sufficient in covering any emails checked or phone calls received. If for any reason an employee believes he or she is working off the clock more than half an hour in a two-week period, it is the employee’s job to document and report this to the supervisor to be sufficiently paid. Please note, if the employee’s job requires an employee to be on-call, the employee will still receive the additional half an hour of Off Duty Pay.

If any uniformed personnel are on Workers’ Compensation, FMLA, Catastrophic Leave, or LWOP, the employee will NOT receive this extra pay, as it will be presumed that employees taking such leave are not performing work for the city. If the employee does in fact perform work for the city during such a period of absence, the employee must document and report this to the supervisor to be sufficiently paid. Any such work must either be preapproved by the employee’s supervisor, or must be unavoidable given the nature of the employee’s job.

## COMPENSATION

### **Training**

The City is committed to continuing training for all employees. The Mayor or Department Head may assign City personnel to attend various training courses, seminars and workshops. If the employee feels that additional training is needed, he/she should notify his/her Department Head. The training must be necessary and job related. If approved, the training must fit within budget constraints.

These training activities are to be considered as part of the normal work of the City rather than leave. The City will pay the cost of the courses it requires. Expenses incurred with on-the-job training will be paid by the City. Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Training that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. No employee will be paid more than eight (8) hours for a travel day. The only exception is if an employee arrives to the destination and he or she performs work and the travel time was over the eight (8) hour timeframe. At this point the employee will receive those eight (8) hours for travel, if they traveled eight hours or more, plus any time spent doing official City work.

For employees whose pay will be less due to travel or a training period from their normally scheduled work week, these employees may use vacation or compensatory time to make his or her pay whole.

For more information on Travel, please refer to the section titled *Travel*.

## COMPENSATION

### **Travel**

The City will reimburse the employee per diem and mileage allowances up to the IRS allowable reimbursement rate in effect at the time of travel. Using this method, reimbursements are excluded from the employee's gross income and are not reported on Form W-2.

Prior to any travel by a City employee, the Department Head must submit to Human Resources a Request for Travel (CCT-1) form. All known and estimated costs associated with the travel will be annotated on the CCT-1. If approved, this form will be used to pay any advanced registration fees and/or lodging, if applicable. The Mayor or his designated representative will verify and authorize all travel including making changes such as correct rates or using a rental car instead of a personal vehicle.

Upon return, employees are required to submit a Travel Reimbursement Form (CCT-2) for reimbursement. Receipts for lodging, travel tickets/receipts, and receipts for other travel related expenditures, which were authorized on the CCT-1, must be attached. The CCT-2 and attachments, must be submitted to Human Resources for verification with five (5) working days of the end of travel, certified by the employee's Department Head prior to the Mayor's approval. After verification by Human Resources and Mayor's approval, the CCT-2 will be submitted to Accounts Payable in the City-Clerk-Treasurer's Office for reimbursement.

### Mileage Allowance

Employees approved to utilize their personal vehicles on official City business/travel, will be reimbursed for actual miles as well as tolls and parking fees. Under no circumstances will fees for any kind of traffic/parking violation be reimbursed. Mileage, tolls, and parking fees incurred in connection with an overnight trip will be reported on the Travel Expense Report (CCT-2). If an employee wishes to use a personal vehicle when a rental vehicle or city vehicle has been deemed cheaper and more efficient, employees may do so but the City holds the right to not reimburse mileage or to do so at a lower rate set by the Federal rate for these situations. Also, employees attending college classes or study groups as a part of the tuition reimbursement plan or on their own accord, will not be reimbursed for mileage.

### Lodging

When possible, all lodging arrangements should be made and paid in advance by the City. If lodging is to be paid using the City's credit card, most hotels will require a Third-Party Authorization/Credit Card Authorization form to be completed in advance of check-in date. This form must be requested from the hotel, completed by each department's designated employee in charge of travel arrangements and faxed back to the hotel prior to travel. Additional allowable charges paid by the employee will be reimbursed after submission and approval of the request.

### Meals/Per Diem

Travel requiring an overnight stay (as authorized by the employee's supervisor) will be authorized per diem up to the current Federal rate. For both the day travel begins and the day

## COMPENSATION

travel ends, the per diem meal allowance is to be prorated by claiming  $\frac{3}{4}$  of the per diem meal allowance. If traveling to more than one location in one day, the per diem rate for the area where stopping for rest or sleep will be used. Current per diem rates per state can be located at [www.gsa.gov](http://www.gsa.gov).

### Transportation

Any required air travel must be arranged and paid by the City prior to departure. Exceptions must be approved in advance by the Mayor or designated representative. Employees may use/or be forced to use a rental car. All rental cars will be booked in advance by the Human Resources Director. Use of cabs and shuttles are authorized but receipts must be turned in for reimbursement. Prior approval must be obtained by the Department Head from the Mayor for the use of a personal vehicle for travel in lieu of public, commercial, or City transportation.

### Travel Advance

The City is not authorized to pay travel advances.

### Credit Card Usage

An employee's use of credit cards while on City business is considered a matter of personal convenience. Employees using such cards will be reimbursed for expenses in the normal manner and no obligation by the City to the credit card company is recognized.

### No Show Charges

No show charges billed to the City are considered an expense of the employee unless provisions are made for a credit at a later date. A full explanation for the cancellation should be attached to the expense report.

### Non-Employee Expenses

The Mayor may approve in advance the reimbursement of appropriate reasonable expenses by candidates during interviews or pre-placement activities. Employee reimbursement rules will apply.

### Elected Officials

The Mayor will be the approving authority for all budgeted travel by elected officials. Only those expenditures relating to budgeted travel, as outlined above, are authorized and all employee reimbursement rules apply.

## COMPENSATION

### **Workers' Compensation (WC)**

The City provides Workers' Compensation (WC) coverage including medical and indemnity benefits for loss of pay to employees who are injured on the job. Injuries occurring while an employee is not performing employment services, including injuries occurring while traveling to or from work or occurring away from the place of work during unpaid lunch or break time are not covered. All articles in this section concerning Leave Without Pay (LWOP) and benefits while on WC supersede other provisions of this handbook. All compensation under this plan shall be in accordance with applicable laws and policies.

Any employee injured on the job must contact his/her supervisor immediately regardless of severity or whether medical attention is required. Whether or not the employee is filing for workers' compensation, each employee may be forced to take a post-accident drug screening. The employee's supervisor will designate the appropriate place for the employee to submit to the drug screening.

It is the supervisor's responsibility to ensure all incident/accident reports are filed within twenty-four (24) hours of the incident/accident unless the employee is incapacitated. Department Heads and the Human Resources Director are to be notified immediately of any such incident/accident. Employees must use a facility designated as the WC provider by the City unless in emergency situations in which employees must seek emergency treatment from a hospital. The WC provider will also handle referrals for secondary visits along with secondary visits stemming from an emergency treatment at a hospital.

The City will supplement WC benefits for employees required by a physician to be off work due to an occupational injury for a maximum of ninety (90) calendar days beginning from the date of injury/illness based on the WC claim.

The City will disperse this time by paying the full amount of the employee's scheduled hours for the first seven calendar days of the disability. If the employee's disability last longer than seven (7) calendar days, then the City will pay 1/3 of the employees scheduled hours up to ninety (90) calendar days. This amount should approximately equal the difference between the percentage paid by workers' compensation and the employee's regular salary based on scheduled hours. This should place the employee in a "full pay" status for a limited period. The City maintains discretion to terminate this supplemental payment as the circumstances warrant.

After ninety (90) calendar days, the employee may supplement the worker's compensation with their own sick, comp and vacation time. The employee may only use one-third (1/3) of their schedule hours during this time and the total of their pay from WC and their own contributions cannot be more than their normal pay. After ninety (90) calendar days of disability, the employee will no longer accrue time off. Also, after these ninety (90) calendar days, employees must enroll in FMLA and run it concurrently with the rest of any WC or time off. For questions regarding FMLA please refer to the section titled *Family Medical Leave Act*.

If an employee has no paid-time off after the ninety (90) day period, he/she will go on LWOP. Employees are not allowed to draw sick time from the Catastrophic Leave Program while on a

## COMPENSATION

WC injury. Once on LWOP status, the employee will be responsible to pay their portion of all benefits that would have otherwise been deducted from their pay. The employee is responsible for contacting the Human Resources office to obtain the amount of payment and when the payment will be due each month. Once an employee is released to return to duty, if the City has work related concerns, the City has the option to perform a return-to-duty exam utilizing a physician of the City's choosing at the expense of the City.

After one hundred eighty (180) calendar days from the date of the WC claim, if the employee can still not come back to work, the Human Resources Director, City Attorney and Mayor will meet to determine if the City can hold the employee's job open.

If an employee is approved for WC and the approved occupational injury results in involuntary termination of employment due to the employee's inability to perform the essential duties of their job and no other reasonable accommodation can be made; the employee will receive the following:

- The entire vacation, comp-time, and holiday balance as of the termination date will be paid to the employee.
- The amount of sick leave permissible under normal retirement rules as of the termination date will be paid to the employee. Please refer to the section entitled *Sick Leave* for additional information.

Employees not admitted to the hospital the day of an injury but held after the end of their workday due to an examination by a doctor or evaluation at the emergency room may include up to six (6) hours to their timecard from the end of their shift. In all other situations where an employee is restricted from work following a work-related injury, the employee will list their scheduled work hours on the timecard in accordance with this policy.

All appropriate claims for benefits must be processed through the City's Human Resources Department. It is very important for WC forms and other information to be delivered directly to the Human Resources Director. Employees must have a completed written return-to-duty form from the physician specifying work-related restrictions, if any, upon return to work. It is the employee's responsibility to ensure that the Human Resources Director has the original copy of the initial notification, doctor evaluations, excuses from duty, and written returns to duty.

While on WC, employees are not allowed to perform any work outside of the City or participate in any activity that is prohibited by the attending physician. If it is discovered the employee is participating in anything of this nature, the employee may receive disciplinary action, up to and including termination.

Once an employee is deemed fit to return to work from a WC injury, the City understands that future doctor appointments or therapy may be necessary. While the City will allow employees time off for these appointments, the employee will have to use his or her own time or take LWOP if no time is available. These appointments must be related directly to the WC injury.

## COMPENSATION

### **Longevity and Holiday Bonus**

Towards the end of the fiscal year, the Mayor will meet with the City Clerk-Treasurer and the Human Resources Director to determine if any type of bonus will be available. If the budget permits, the City will provide one or both of the following bonuses during the month of December. Neither of the following bonuses are a condition of employment and should not be expected or presumed as guaranteed.

#### Longevity Bonus

If approved, all full time and regular part time employees will receive a longevity bonus. The employee will be paid at a rate of \$2.50 times the number of months the employee has worked for the City total.

#### Holiday Bonus

If approved, all full time and regular part time employees will receive a holiday bonus. The bonus amount will be determined by the Mayor.

Elected Officials will not receive either of these bonuses if they are available.

If there is a question as to the eligibility of an employee for this bonus, the decision will be made by the Mayor and the Human Resources Director.

## LEAVE

### Vacation Leave

All regular full-time employees that average at least thirty (30) work hours per week earn vacation leave. Vacation leave must be earned before it is used and can be used in quarter hour increments. Employees may not borrow from future earnings or leave earned by other employees. Employees continue to earn vacation leave at the normal accrual rate when they are *in pay status*.

Accrual rates change on the first day of the month following eligibility for the next higher accrual rate. Years of employment must be continuous. Service is established on completed years and months of service in a full-time, benefits eligible position. Vacation leave will be accrued on a monthly basis and will be available the first day of the month. Employees accumulate leave but cannot use leave for the first ninety (90) days of employment. When employees first begin employment, those hired on or before the 15<sup>th</sup>, will receive the first months' vacation accrual. Those who are hired after the 15<sup>th</sup>, will not.

Vacation leave is usually approved for employees when it least interferes with the efficient operation of your work unit and the City. To take vacation time, employees should try to request advance approval from their supervisor. Requests will be reviewed based on a number of factors, including deadlines, seniority, order in which requests are submitted, and staffing requirements. The City reserves the right to reschedule or deny vacation. Vacation is paid at the employee's base rate at the time vacation is taken. Vacation leave counts as hours worked for the purposes of calculating overtime for all employees.

Upon separation from City employment, employees will be paid for unused vacation time that has been earned through the last day of employment. See the *Resignation/Termination* section for exceptions. Employees do not earn vacation leave for the following month when on leave without pay for more than three (3) shifts for non-uniform and Dispatch employees, more than two (2) shifts for police personnel and more than one (1) shift for fire personnel in a calendar month. This excludes employees who choose to be on leave without pay for military duty.

#### Non-Uniform Employees

The rate earned for non-uniform employees per month is based on the chart below.

Months of Continuous Employment	Hours per Month	Hours per Year
1 through 12 months	4	48
13 through 36 months	8	96
37 through 120 months	10	120
121 through 180 months	12	144
181+ months	14	168

Although all vacation leave is cumulative, non-uniform employees cannot have more than eighty (80) hours (10 days) accumulated by the end of the day on December 31<sup>st</sup> of each year. Accrued vacation leave may exceed eighty (80) hours (10 days) during the calendar year, but those hours

## LEAVE

in excess of eighty (80) will be forfeited if not used by the end of the day on December 31<sup>st</sup> of each year.

### Police and Dispatch Employees

Police and dispatch employees shall be granted an annual vacation according to the chart below.

Months of Continuous Employment	Hours per Month	Hours per Year
1 through 36 months	11	132
37 through 120 months	12	144
121 through 180 months	13	156
181+ months	15	180

Although all vacation leave is cumulative, police and dispatch employees cannot have more than eighty-five (85) hours (10 days) accumulated by the end of the day on December 31<sup>st</sup> of each year. Accrued vacation leave may exceed eighty-five (85) hours (10 days) during the calendar year, but those hours in excess of eighty-five (85) will be forfeited if not used by the end of the day on December 31<sup>st</sup> of each year.

### Fire Employees

Full-time uniform firefighters shall be granted an annual vacation according to the chart below. Grandfather clause: Firefighters employed with the City continuously since July 1, 1995 or before receive credit for their PPC service.

Months of Continuous Employment	Hours per Month	Hours per Year
1 through 36 months	14	168
37 through 120 months	16	192
121 through 180 months	18	216
181+ months	20	240

Although all vacation leave is cumulative, fire employees cannot have more than one hundred twenty (120) hours (5 shifts) accumulated by the end of the day on December 31<sup>st</sup> of each year. Accrued vacation leave may exceed one hundred twenty (120) hours (5 shifts) during the calendar year, but those hours in excess of one hundred twenty (120) will be forfeited if not used by the end of the day on December 31<sup>st</sup> of each year.

## LEAVE

### **Sick Leave**

All regular full-time employees that average at least thirty (30) work hours per week earn sick leave. Sick leave must be earned before it is used and can be used in quarter-hour increments. Employees may not borrow from future earnings or leave earned by other employees. Employees continue to earn sick leave at the normal accrual rate when they are *in pay status*.

Sick leave may be used due to the employee's own illness or injury or to care for an immediate family member. Immediate includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law, step-parents or any relative living in the employee's household.

Employees who are unable to report to work due to illness or injury will notify their direct supervisor at least one (1) hour before the scheduled start of their workday, unless they are incapacitated by an FMLA qualifying event. Department Heads may require earlier notification in order to ensure adequate staffing. Such a requirement must be provided in writing to employees prior to implementation. Employees who are absent for three (3) or more consecutive days (two (2) or more consecutive, regularly scheduled shifts for the fire department personnel working 24-hour shifts) due to unconfirmed illness may be required to furnish a certificate of illness from an attending physician to the Department Head or the Human Resources Director.

Any employee who misses three (3) consecutive shifts will be sent FMLA paperwork. For more information regarding FMLA please refer to the section titled *Family Medical Leave Act*. Even if an employee is not on FMLA, a medical doctor's release is required for all City employees who return to work from a medical leave of five (5) calendar days or longer in which the employee was scheduled to work (two (2) or more consecutive, regularly scheduled shifts for the fire department personnel working 24-hour shifts).

Anyone who uses sick leave before or after a vacation day or paid holiday may be required to furnish a certificate of illness. Employees using sick leave are not permitted to engage in outside employment. An employee will use comp time and then vacation leave when sick leave has been exhausted. Earned sick and vacation leave accruals must be exhausted prior to going on leave without pay. Sick leave does not count as hours worked for the purposes of calculating overtime. Employees do not earn sick leave when on leave without pay for more than three (3) shifts for non-uniform and Dispatch employees, more than two (2) shifts for police personnel and more than one (1) shift for fire personnel in a calendar month. This excludes employees who choose to be on leave without pay for military duty.

### *Non-Uniform Personnel*

All non-Police and Fire personnel, regular full-time employees shall accrue sick leave at a rate of ten (10) hours per month and will be available the first day of the following month of employment. Employees accumulate leave but cannot use leave for the first ninety (90) days of employment. If unused, sick leave for non-uniform employees may accumulate to a maximum of four hundred eighty (480) hours. Hours in excess of four hundred eighty (480) will be forfeited if not used by the end of the day December 31<sup>st</sup> of each year.

## LEAVE

Upon retirement, if the employee receives a retirement benefit from that employee's designated retirement system, or death, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a non-uniform employee, upon retirement or death, shall not exceed two hundred forty (240) hours.

### Dispatch Personnel

All full-time uniform dispatch employees shall accumulate sick leave at the rate of thirteen and one half (13.5) hours per month beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of four hundred eighty (480) hours. Hours in excess of four hundred eighty (480) will be forfeited if not used by the end of the day December 31<sup>st</sup> of each year.

Upon retirement, if the employee receives a retirement benefit from that employee's designated retirement system, or death, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a dispatcher, upon retirement or death, shall not exceed four hundred eighty (480) hours.

### Police Personnel

All full-time uniform police employees shall accumulate sick leave at the rate of thirteen and one half (13.5) hours per month beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of seven hundred twenty (720) hours. Those hours in excess of seven hundred twenty (720) will be forfeited if not used by the end of the day December 31<sup>st</sup> of each year.

Upon retirement, if the employee receives a retirement benefit from that employee's designated retirement system, or death, any police officer unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of the retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed seven hundred twenty (720) hours.

### Fire Personnel

All full-time firefighters shall accumulate sick leave at the rate of twenty (20) hours per month beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of one thousand four hundred forty (1440) hours. Those hours in excess of one thousand four hundred forty (1440) will be forfeited if not used by the end of the day December 31<sup>st</sup> of each year.

Upon retirement, if the employee receives a retirement benefit from that employee's designated retirement system, or death, any unused accumulated sick leave shall be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed seven hundred twenty (720) hours.

## LEAVE

### **Administrative Leave**

Administrative leave may be granted to employees, in addition to other leave types, and must be accounted for in the payroll system. Anyone on Administrative Leave must be approved by the Department Head, Human Resources Director, and Mayor

There are two types of administrative leave: Administrative leave with pay and administrative leave without pay. Determination if the leave is with pay or without pay is at the discretion of the Department Head, Human Resources Director, and Mayor. If administrative leave is paid, it will be paid at the employee's current rate of pay and will not be considered time worked for overtime purposes.

While on administrative leave, regardless of paid or unpaid, that is the result of a pending investigation or suspension, the Mayor, Human Resources Director, City Attorney and the Department Head will stay in contact with each other to review the administrative leave. The employee should provide a telephone number where they can be reached during business hours for the duration of the leave. The employee must respond within one hour of a phone call received during business hours or be subject to disciplinary action, up to and including termination.

## LEAVE

### **Leave Without Pay (LWOP)**

An employee is placed on leave without pay status when he/she has exhausted all accrued leave. The only exception to this rule is military employees who are on active duty. Employees shall not be granted LWOP for the purpose of other employment.

Supervisors are responsible for monitoring leave balances of their employees via the employee leave balance reports provided by the Human Resources Director. Supervisors should provide guidance to employees with low balances and document such discussions with the employee including attendance expectations.

#### Requesting LWOP

With the exception of military employees who are on active duty and employees who are on LWOP due to an FMLA event, LWOP must be requested in writing and may only be approved by the Human Resources Director and Mayor. Failure to submit a request may result in disciplinary action for the employee and his/her supervisor up to and including termination. The process for requesting LWOP is listed below:

- An employee must request LWOP from his/her supervisor as far in advance as possible.
- The Supervisor will forward the LWOP request to the Department Head.
- The Department Head will recommend approval/disapproval of the request, and then present it to the Human Resources Director.
- The Human Resources Director will consult with the Mayor and will approve/disapprove all requests made for LWOP.
- Employees with disabilities covered by the Americans with Disabilities Act may be entitled to additional LWOP as a reasonable accommodation.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, up to and including termination. The City may accept satisfactory reasons provided by the employee in advance of the date to return to work and extend the leave period accordingly.

#### Leave Accrual While On LWOP

Employees do not earn sick or vacation leave when on leave without pay for more than three (3) shifts for non-uniform and Dispatch employees, more than two (2) shifts for police personnel and more than one (1) shift for fire personnel in a calendar month. This excludes employees who choose to be on leave without pay for military duty

#### Health Insurance While on LWOP

Employees may choose to maintain health coverage and supplemental benefits until the end of the month upon leave and one additional full month during the period of leave without pay. Employees who choose this option must pay the full cost (employee deduction and employer contribution) of the monthly premium. Employees on FMLA or military leave choosing to

## LEAVE

continue coverage must pay their portion of the premium only. The payment should be mailed or delivered to the Human Resources Director no later than the 1<sup>st</sup> day of the month by check or money order payable to the City. For extended periods of leave without pay, employees must enroll in COBRA to maintain their health coverage. Employees on FMLA or military leave are eligible for reinstatement to the health coverage even if they opted to cancel while on leave. If an employee has reason to believe he/she may be covered by FMLA, he/she should submit an FMLA request form to the Human Resources Director as soon as possible.

## LEAVE

### **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) requires public agencies to offer up to twelve (12) weeks of job-protected leave a year to eligible employees for certain family and medical reasons. For the purposes of this policy, a year is defined as twelve (12) months beginning with the first day of approved FMLA.

Eligible City employees may take up to twelve (12) weeks of straight or intermittent unpaid leave (accrued vacation, comp time, personal time and sick leave must be used prior to going on LWOP) for the following reasons:

- The birth and care of the employee's child, including bonding;
- The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child;
- The care of an immediate family member (spouse, child, or parent, but not a parent "in-law") who has a serious health condition.
- The employee's own serious health condition.

Eligible City employees may take up to twenty-six (26) weeks of unpaid leave (accrued vacation, comp time, personal time and sick leave must be used prior to going on LWOP) for the following reasons:

- The care of a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin.
- A qualifying military exigency arising from the employee's spouse, son, daughter, next of kin or parent's active military duty or impending call or order to active duty.

Employees must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

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

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

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three (3) calendar days.

If a husband and wife both work for the City and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health

## LEAVE

condition, the husband and wife may only take a combined total of twelve (12) weeks of leave. If later during the year, the husband or wife needs to take FMLA for another reason, he/she will be eligible to use the remainder of time left up to twelve (12) weeks.

If a husband and wife both work for the City and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of twenty-six (26) weeks of leave. If an employee uses more than twelve (12) weeks for this instance, the employee may not request additional time for an FMLA qualifying event.

### FMLA Eligibility

To be eligible for the FMLA benefits employees must:

- Be employed by the City for at least twelve (12) months; and
- Have physically worked one thousand two hundred fifty (1,250) hours over the previous twelve (12) months preceding the leave request. The twelve (12) months do not have to be consecutive.

There are four (4) permissible methods for calculating the 12-month period during which the 12 weeks of FMLA leave may occur. The City has chosen the method in which employees eligible for FMLA may use up to twelve (12) weeks of leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken. The next 12-month period will begin on the first day FMLA leave is taken after completion of any previous 12-month period.

### Requesting FMLA Leave

City employees are required to provide advance leave notice (at least 30 days) when leave is foreseeable (such as childbirth, adoption, or planned medical treatment). If emergency conditions prevent thirty (30) days notification, employees must notify their supervisor as soon as practicable.

It is the employee's responsibility to request FMLA leave either verbally or in writing. The process to request to request FMLA is detailed in the list below. The Human Resources Director will send all potentially eligible employees notice of the right to FMLA leave if they have missed more than three (3) consecutive calendar days of work. While the employee has the right to not request FMLA, the City holds the right to require the employee to be on FMLA leave while the employee is absent from work for an extended period of time due to the qualifying event. (In this type of event, the Human Resources Director will notify the employee that the time off from work will be designated as FMLA.) All FMLA paperwork will be sent by the Human Resources Director. There will be (4) worksheets that need to be filled out completely.

1. A Certification sheet for the health care provider. The type of certification will depend on the qualifying event.
2. A Genetic Information Nondiscrimination Act (GINA) sheet. This will explain to the health care provider that the City does not require any family history of genetic information.

## LEAVE

3. An up-to-date job description for the health care provider to review. This will inform the health care provider what the essential duties and job functions the employee performs.
4. A Notice of Eligibility and Rights & Responsibilities. This informs the employee if they are eligible for leave and describes the above-mentioned paperwork that must be completed and returned.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, and physician assistants authorized to practice under State law and performing within the practice under State law.

Each employee has thirty (30) days to submit FMLA paperwork. This includes the fifteen (15) day requirement to submit the paperwork and a fifteen (15) day good-faith clause. If the paperwork is not submitted within the thirty (30) day period, the leave may be delayed or denied.

Upon submittal, each employee will receive a Designation Notice within (3) days notifying he or she of the approval or denial of FMLA status. If granted, it is the employee's responsibility to notify the Human Resources Director every thirty (30) days of their ability to return to work. Before the employee may return, they must be released by their doctor and the documentation must show this.

If unsatisfied with the medical certification provided for the FMLA, the City may seek a second opinion which will be paid by the City. If the second opinion differs from the first opinion, then a third opinion will be sought. This will also be paid by the City and must be agreed upon by the employee and the City. The result of the third opinion will be the opinion that is accepted. Situations in which the serious health condition of the qualified member lasts beyond a single leave year or is described as chronic, the City reserves the right to require a new medical certification each following year. This will be at the employee's expense.

Upon return to work, as requested in the original paperwork, the employee must be able to provide a fitness for duty certification verifying the employee is able to resume work from their health care provider. If the employee is a member of the Catastrophic Sick Leave Program, the employee may be eligible for additional leave through that program, but this is not guaranteed. For more information on the Catastrophic Sick Leave Program, please review the section titled *Catastrophic Sick Leave Program*.

If an employee experiences more than one FMLA qualifying event at once, he/she will have to fill FMLA paperwork out for each event. There is no limit for how many FMLA qualifying events that may be ran at the same time. It is the employee's responsibility to inform the Human Resources Director or the Supervisor which event the leave is for if the employee needs to be absent.

### Employee Rights Under FMLA

The City will maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave under the same conditions as if the employee continued to work. Arrangements will need to be made for employees to pay their share of health insurance premiums

## LEAVE

while on unpaid leave at any time during the twelve (12) weeks. If the premium is not paid within thirty (30) days, the employee will be sent notice that the premium is past due. The employee will then have an additional thirty (30) days to pay the premium. If not paid, the employee will be dropped from coverage.

An employee may choose not to retain health coverage during FMLA leave. When the employee returns to work, the employee is entitled to be reinstated on the same terms as prior to taking leave, without any qualifying period, physical examination, or exclusion of pre-existing conditions.

Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Employees are required to return to work the next working day after the expiration of their FMLA leave. Failure to return to work will be declared the position vacant. An extension of leave may be discussed but only prior to the agreed upon return date of the employee. Each case of extending FMLA will be discussed on a case by case basis.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## LEAVE

### **Compensatory Time**

As a public employer, the City may offer its employees compensatory time (Comp Time). Comp Time shall accrue at the same rate as overtime, (time and a half) except with uniformed personnel who in some instances accrue comp time as straight time. An employee's ability to earn and the availability of comp time leave is at the discretion of the Department Head. Comp time leave shall be scheduled in the same manner required for vacation days. Comp time will not be applied as time towards overtime.

#### *Non-Uniformed Personnel*

All comp time shall be exhausted before an employee may schedule vacation leave. If an employee wishes to use comp time before sick leave, he/she may do so at their own will, but is not required to do so. Employees may carry over a maximum of eight (8) hours if not used by the end of the day December 31<sup>st</sup> of each year. For hours remaining over the carryover limits, please refer to the section below labeled *End of the Year Payout*.

#### *Police and Dispatch Personnel*

While it is encouraged for police and dispatch personnel to exhaust comp time before vacation leave, it is not required. Police and dispatch personnel may carryover a maximum of twelve and a half (12.5) hours if not used by the end of the day December 31<sup>st</sup> of each year. New employees that have not completed one (1) year of service and who do not accrue sick leave are exempt. These employees have no maximum carryover except for the limit set by the Fair Labor Standards Act. For hours remaining over the carryover limits, please refer to the section below labeled *End of the Year Payout*.

#### *Fire Personnel*

While it is encouraged for fire personnel to exhaust comp time before vacation leave, it is not required. Fire personnel may carryover a maximum of twenty-four (24) hours if not used by the end of the day December 31<sup>st</sup> of each year. New employees that have not completed one (1) year of service and who do not accrue sick leave are exempt. These employees have no maximum carryover except for the limit set by the Fair Labor Standards Act. For hours remaining over the carryover limits, please refer to the section below labeled *End of the Year Payout*.

#### *End of the Year Payout*

On December 31<sup>st</sup> of each year, all comp time will be recorded by the Human Resources Director. Any comp time that exceeds the carryover limits may be paid out at the rate of the employee's current salary for that year. This will be decided by the Mayor and the Human Resources Director. This payout will be paid in the first quarter of the following year, budget permitting. If the budget does not permit a payout, then comp time will be carried over to the next year. No employee will forfeit any comp time without being compensated.

## LEAVE

If an employee is paid out for any comp time in this manner, the employee will write a letter to the Department Head explaining why the employee could not get to the minimum carry over limit. The Department Head will then submit that letter along with a letter from the him/her also explaining why the employee could not exhaust the time, forcing a payout.

In accordance with the Fair Labor Standards Act, the maximum accumulation for a non-uniform employee is two hundred forty (240) hours and the maximum accumulation for employees involved in emergency response is four hundred eighty (480) hours. Department Heads may set a lower maximum for their department by notifying employees in writing prior to the effective date.

## LEAVE

### **Military Leave**

Military leave or re-employment of returning veterans from active service in branches of US Armed Forces will be in compliance with Arkansas Code Annotated §§21-4-102, 21-4-212 and 21-4-301 et seq. (as amended by Act 653 of 2003), and the Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. §§4301-4333).

City employees who are members of the U. S. Armed Forces are entitled to a leave of absence with pay 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 calendar year. While the law only enforces this in terms of 8-hour works days, the City recognizes those employees who work longer than 8-hour shifts and has decided the following for the various groups of employees:

- Non-uniform and Dispatch employees working 8-hour shifts will receive one hundred twenty (120) hours per year. If unused, paid military leave may accumulate for a maximum of days available in any one (1) calendar year to be two hundred and forty (240) hours.
- Police employees working 8.5-hour shifts will receive one hundred twenty-seven and a half (127.5) hours per year. If unused, paid military leave may accumulate for a maximum of days available in any one (1) calendar year to be two hundred fifty-five (255) hours.
- Police employees working 12.25-hour shifts will receive one hundred forty-seven and a half (147.5) hours per year. If unused, paid military leave may accumulate for a maximum of days available in any one (1) calendar year to be two hundred ninety-five (295) hours.
- Fire employees working 24-hour shifts will receive one hundred sixty-eight (168) hours per year. If unused, paid military leave may accumulate for a maximum of days available in any one (1) calendar year to be three hundred thirty-six (336) hours.

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. These thirty (30) days are in addition to any paid military leave the employee chooses to use prior to mobilization (Title 10) or state active duty (Title 32 or Drill Status), and paid military leave shall be granted in addition to all vacation leave for which the employee is entitled.

The maximum paid military leave an employee may use (including active duty and annual training) equates to three hundred thirty-six (336) hours for fire employees working 24-hour shifts, two hundred fifty-five (255) hours for Police and two hundred forty (240) hours for non-uniform employees. The employee may use the thirty (30) days of paid military leave in the same manner as other leave is used, i.e. equal to the number of their scheduled hours each pay period. The City will not pay out the thirty (30) days in a lump-sum payment.

After completion of any weekend drill or any kind of military leave, the time limit for employees to return to work are listed below:

- Service of less than 1 day to 30 days: the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an 8-hour rest period following safe transportation home. Included in the 8-hour period is time for rest and the commute to work.

## LEAVE

- Service of 31 to 180 days: informal application for reinstatement must be submitted to the Human Resources Department not later than 14 days after completion of military duty.
- Service of 181 or more days: informal application for reinstatement must be submitted to the Human Resources Department not later than 90 days after completion of military duty.

The employee is not required to exhaust his/her accrued vacation, military or compensatory leave prior to the onset of military leave but may use accrued vacation, military or compensatory leave at their discretion. All unused vacation, compensatory and sick leave at the time of military leave will be reinstated at the time the employee returns to work. Upon return, the employee's vacation leave accrual rate, if based on years of service, will be calculated as though there has been no period of absence. The employee must attach a copy of his/her military orders to each request for military leave.

Also, if a holiday or longevity bonus is given to employees while a member is on military leave, that employee will be awarded that compensation as though there has been no period of absence. For uniformed employees, the yearly holiday pay that is awarded in December will also be paid to that employee as though there has been no period of absence. For questions regarding eligibility or procedure, please refer to the sections *Holiday Pay* and *Longevity and Holiday Bonus*.

An employee may choose to continue or discontinue the city group health plan coverage during military leave by opting to have COBRA coverage. As with all active full-time employees, the employee will pay 25% of the monthly premium while the City pays the remaining 75%. The Human Resources Director will prepare a payment schedule for health plan premiums, which will be sent by certified mail to the address listed in the employee's personnel file. The employee and/or dependents will be eligible for eighteen (18) months of coverage. The employee will not be covered for claims related to military duty. Prior to the commencement of military leave, the employee must inform the Human Resources Director of their choice to continue or discontinue. If coverage was discontinued, the employee returning from military leave is eligible for reinstatement of his/her health plan coverage, for both the insured and family effective the first of the month following application.

Per Arkansas Code Ann. §21-4-105, employees who have been rated by the U. S. Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled by the U.S. Department of Veteran Affairs to be reexamined or treated for the disability shall be entitled to a leave of absence with pay for a period not to exceed six (6) days for that purpose during any one (1) calendar year. The leave of absence shall be in addition to regular vacation and sick leave allowed to the employee.

The City will not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this policy, (2) has testified or otherwise made a statement in or in connection with any proceeding under this policy, (3) has assisted or otherwise participated in an investigation under this policy, or (4) has exercised a right provided for in this policy. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

## LEAVE

### **Voting Leave**

The City encourages every employee to vote in any local, state or federal election. If voting in an election will cause an employee to vote during his/her scheduled work hours, the City will grant a reasonable amount of paid time off to vote. The City reserves the right to select the hours employees are excused to vote and Department Heads or supervisors must be notified of the need to leave due to voting as soon as possible.

While on voting leave, employees are to do nothing else other than vote, unless pre-approved by the supervisor or Department Head. Failure to comply with this may result in disciplinary action.

The City also reserves the right to deny the time off to vote if an employee can still vote after his/her scheduled hours.

## LEAVE

### **Jury Duty / Court Leave**

Full-time employees will be granted leave with pay for jury duty or if they are subpoenaed as a witness during scheduled work hours. Employees are also permitted to retain the allowance for services from the court for such service. All employees subpoenaed as a part of their duties as a City of Cabot employee, will need to record the hours on his or her timecard as hours worked and will also be permitted to retain the allowance for services from the court for that such service.

To qualify for jury or witness duty leave, employees must submit to his/her supervisor a copy of the summons upon receipt. Proof of services must be submitted to the supervisor when jury or witness duty is completed. If the employee is excused from jury duty early or not required to be present in court, he/she is expected to report to work. Failure to comply with this may result in disciplinary action.

This policy of paid leave does not apply to employees who initiate court proceedings on their own behalf.

## LEAVE

### **Inclement Weather Leave**

The City will maintain critical operations, even during inclement weather. While some services of the City may not be provided due to the weather conditions, those employees that are designated to work will be required to work at no additional pay. These include, or may include, Police, Fire, Animal Services and Street Department employees. Additional departments or employees may be designated to work during inclement weather conditions.

If inclement weather conditions begin during the workday, the Mayor or his designee will make a determination concerning any early closing of City Departments. If an employee wishes to leave during inclement weather, the Department Head may permit those employees to use vacation or personal leave to be excused from duty.

The Mayor or his designee will determine if the City will be closed for inclement weather. Employees, supervisors, and Department Heads will be notified. If any employee has any questions as if he/she is required to be at work, the employee should contact the supervisor or Department Head.

If inclement weather is in effect and the City does not close, employees are expected to report on his or her normal scheduled work time if they are able to safely travel to their worksite. If an employee is not able to travel to work as a result of road conditions, employees are expected to contact their supervisor or Department Head immediately. In the event an employee cannot make it to work, the employee will have to use vacation or compensatory leave. Employees may not use sick leave.

During inclement weather closures, employees designated to work, such as Police, Fire, or Street employees, must report to work. If a designated employee is having difficulty making it to work, the employee must notify his/her supervisor immediately. Designated employees who fail to show up during inclement weather may be subject to disciplinary action, up to termination.

Any employee who has scheduled vacation, comp or sick leave and the City closes for inclement weather will have that scheduled leave reimbursed.

## LEAVE

### **Catastrophic Sick Leave Program**

The Catastrophic Sick Leave Bank Program provides paid leave to City employees when the employee or an immediate family member requiring their care face a catastrophic illness and the employee would otherwise go on leave without pay. Employees enroll in the Catastrophic Sick Leave Program voluntarily by donating earned sick leave to a pool of leave for use by other eligible employees.

Regular full-time City employees must meet the following minimum requirements to be eligible for Catastrophic Leave:

- Provide a certification from a physician documenting a medical condition requiring leave for a prolonged period of time for the employee or employee's immediate family member (spouse, parent, or child).
- Participate in the catastrophic leave bank program including enrollment and the minimum contribution of eight (8) hours.
- A minimum of one year of service as a full-time employee.
- Already submitted all FMLA paperwork to cover the employee's extended leave of absence.
- A minimum accrual of 80 hours (vacation and sick combined) at the beginning of the illness.
- Employees must be, or reasonably expected to be, on leave without pay status;
- A letter must be provided from the employee's Department Head regarding any history of leave abuse.
- Employees must be enrolled for six-months prior to eligibility.

The Human Resources Director holds the responsibility to maintain the balance of the Catastrophic Leave pool and report it to the Catastrophic Leave Committee as requested. Employees may not receive leave from the Catastrophic Leave Bank while on a WC injury.

#### *Catastrophic Leave Committee*

A committee made up of four (4) participants in the Catastrophic Leave Bank Program will be appointed by the Human Resource Director to review all requests and determine whether to grant Catastrophic Leave. If one of the four (4) participants cannot make the meeting, the Human Resources Director will appoint another member of the program for that particular request. The City Attorney will also serve as a voting member of the Catastrophic Leave Committee. The Human Resource Director will not vote in any decision. Leave granted may not exceed the latter of

- The date the employee or family member is released to duty (full or modified) by the treating physician; or
- The date of eligibility for disability benefits. Catastrophic leave cannot be awarded retroactively. The maximum award permitted is six (6) months in any two (2) year period beginning from the initial use of catastrophic leave. Applications for Catastrophic Leave

## LEAVE

will be reviewed on a first-filed, first-considered basis. Catastrophic Leave, which would result in a negative balance of the City's Catastrophic Leave Bank, will not be approved.

### Donations to the Catastrophic Sick Leave Program

Upon enrollment, employees will contribute eight (8) hours of sick leave to join the program. After enrollment, an annual four (4)-hour contribution will be automatically deducted from accrued sick leave at the end of each December. Employees may only donate four (4) sick hours each December. Employees may NOT donate vacation leave at any point nor may employees donate any time that will be forfeited at the end of the year due to maximum carryover rules. Employees will not be required to make an annual donation for up to six (6) months after their illness or injury. Donations to the Catastrophic Leave Program are not tax deductible. Participation will continue until the participating employee requests termination of participation in writing. Enrollment and Catastrophic Leave Request forms are available from the Human Resources Department.

In the event that for any reason an employee who is a member of the Catastrophic Sick Leave Program is terminated, resigns, or leaves the City for any reason, he/she may not donate remaining sick or any type of leave to the program.

### Requesting Catastrophic Leave

A participating employee who has exhausted all available leave time and who presents documentation of the ongoing illness from the treating physician may request leave time from the Catastrophic Leave Program. Employees or their designees must file the following documents: Recipient Application and Physicians Certification. Forms should be presented to the Human Resources Director in time for review and consideration before an employee goes on leave without pay. Catastrophic Leave Forms are available from the Human Resources Department. Any unused Catastrophic Leave will be returned to the program in the event the employee is terminated, retires, or returns to work prior to the expiration of the previously approved Catastrophic Leave Period.

## LEAVE

### **Funeral / Bereavement Leave**

Full-time employees may be granted with pay up to a maximum of three (3) calendar days (one scheduled shift for fire department employees on a 24-hour schedule) absence with pay due to the death of a member of the employees' or spouses' immediate family. The immediate family for the purposes of this policy will include spouse, parents, siblings, children, grandparents, grandchildren and guardian or any of the spouse's family members list above. Any exceptions to this policy will be made only at the discretion of the Mayor. Employees will be paid their regular hourly rate for any excused absence that occurs during their normal work week for the number of hours regularly scheduled to work on that day. Funeral or Bereavement Leave will not count as hours worked and will not apply towards overtime.

Travel time of one (1) day may be granted upon prior approval of the Department Head and the Human Resources Director in addition to the three (3) days where travel time of more than eight (8) hours is necessary if driving.

The Department Head may grant unpaid funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family. If available, the employee must use vacation or compensatory time for this day.

## BENEFITS

### BENEFITS

#### Health Insurance

The City of Cabot offers group health insurance coverage to all full-time employees. Full-time employees are designated as averaging thirty (30) or more hours per week. The employee is eligible for the health insurance the first day of the month following two complete full months of employment.

For example, if an employee started work on January 1<sup>st</sup>, he/she would work the complete month of January and February and be eligible March 1<sup>st</sup>. If an employee started January 15<sup>th</sup>, the month of January would not count towards eligibility as the employee would not have worked the full month. Therefore, the employee would be eligible for health insurance on April 1<sup>st</sup>.

The City pays seventy-five percent (75%) of the premium for individual and family coverage and the employee pays the remaining twenty-five percent (25%). The City reserves the right to change insurance providers or premium percentages.

## BENEFITS

### **Supplemental Insurance**

The City of Cabot offers supplemental insurance coverage to all full-time employees. Full time employees are designated as averaging thirty (30) or more hours per week. The employee is eligible for the supplemental coverage the first of the month following one complete month of employment.

For example, if an employee started work on January 1<sup>st</sup>, he/she would work the complete month of January and be eligible February 1<sup>st</sup>. If an employee started January 15<sup>th</sup>, the month of January would not count towards eligibility as the employee would not have worked the full month. Therefore, the employee would be eligible for health insurance on March 1<sup>st</sup>.

The City pays seventy-five percent (75%) of elected coverage for Delta Dental and Vision Choice Plans (VSP) and the employee pays twenty-five percent (25%). The City reserves the right to change insurance providers or premium percentages.

The City also provides a term life insurance policy to all full-time employees and all regular part-time employees at no charge.

Finally, the City offers other vendors offering a variety of plans including, but not limited to: life insurance, disability, critical illness, cancer, flex-spending, accident and other policies. The employee will pay the full premium for these additional supplemental policies.

## BENEFITS

### **Tri-Care Insurance**

As allowed by law, the City will pay the premium for Tri-Care insurance up to the amount already established as the City's portion of single and family coverage on primary insurance for all full-time employees who are active guard or reserve military members.

Those enrolled in the program will have to fill out the necessary paperwork including submitting proof of payment each month to the Human Resources Office. After the employee submits proof of payment, the City will process a payment to the employee at the end of that month with the other supplemental and insurance policies.

Failure to submit proof or provide the necessary information may result in the premium not being paid or delayed.

## BENEFITS

### **Open Enrollment**

Each year in the 4<sup>th</sup> quarter, the City will offer all full-time employees an open enrollment period. During this time, each employee will have an opportunity to add, drop, or change benefit coverage. If an employee fails to do so during this time period, the employee may not be able to add, drop, or change certain coverage until the next open enrollment.

Employees will be given ample notice for open enrollment and attendance will be mandatory.

## BENEFITS

### **Employee Assistance Program (EAP)**

The City offers employees an Employee Assistance Program (EAP) at no charge to all employees.

EAP offers counseling services to employees, their families or anyone living in the residence at no cost. EAP will assist employees with a variety of disciplines including but not limited to: death, divorce, money, substance abuse, etc. EAP is strictly confidential and the City will have no records of an employee's voluntary visit to an EAP site.

As part of the City's responsibility to make sure employees receive the proper training or counseling they need, the City reserves the right to mandate employees to attend an EAP session to review matters such as anger, discipline or other areas of concern. Mandates will be determined at the discretion of the Mayor, Department Head, and the Human Resource Director. Any failure to attend or comply with an EAP mandate will result in disciplinary action, up to and including termination. All mandated EAP sessions will be compensated.

## BENEFITS

### **Educational Assistance Program**

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The Education Assistance Program is for employees seeking undergraduate or graduate coursework from fully accredited institutions. The program encourages personal development through formal education so that employees can maintain and improve job related skills or enhance their ability to compete for reasonably attainable jobs with the City.

Within the yearly budget, tuition assistance will be provided for graduate and post-graduate course work, excluding doctorate programs. The City will not pay for more than three (3) credit hours per term.

The City has requirements for the Education Assistance Program that must ALL be met before an employee can participate.

- A continuous full-time active employee of the City for a minimum of one (1) year.
- Completion of the Tuition Assistance Request application form (TAR-1) prior to attending the course.
- Participation shall be restricted to off-duty hours and is not to interfere with the normal performance of the employee's duties; if the employee is caught working on assignments or doing homework during work hours, he/she may be disciplined. (This does not apply to fire employees working 24 hour shifts, but must be done during designated free-time).
- Courses shall be limited to those that lead to improvement in job performance and apply to degree requirements related to the employee's current job duties or a foreseeable future position as determined by the Department Head, the Human Resources Director and Mayor. Course enrollment shall be limited to accredited institutions only.
- Reimbursement will be based on successful completion of coursework with a grade of "C" or higher. Any grades of "D" or "F", Withdrawals or Incompletes will not be reimbursed.
- Expenses paid by the City shall include tuition plus other standard enrollment fees (online fees, registration fees, technology fees, etc.). Books / Coursework material will be reimbursed up to eighty dollars (\$80). Specialized / Non-Traditional fees that will not be paid by the City include but are not limited to: equipment rental, purchase or use fees, travel or transportation fees, late enrollment fees, etc.
- Employees will be required to reimburse the City for expenses paid by the City in the event the employment is terminated, voluntarily or involuntarily, within one (1) year of the month of reimbursement from the City.
- Reimbursement by the City will be made when the participant completes the Tuition Assistance Reimbursement form (TAR-2). Reimbursement will not be paid if all required paperwork is not turned in to the Department Head within (60) calendar days of successful completion of the course or if the employee did not obtain prior approval by completing a TAR-1 form.

The City's tuition reimbursement program meets the requirements listed in IRS Code for an Education Assistance Program. Employees eligible for other financial aid (scholarships, grants, etc.) will only be reimbursed for the difference between the amount received from the other funding source and the actual cost. While educational assistance is expected to enhance

## BENEFITS

employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment or pay increases. The projected assistance expense to the City must be within approved budget limitations.

## BENEFITS

### **Retirement**

#### *Non-Uniformed Employees*

All full-time, non-uniformed employees, including Dispatch, shall participate in the Arkansas Public Employees Retirement System (APERS). This also includes regular part-time employees who at any point in employment have three (3) consecutive months of at least eighty (80) hours. The City shall contribute at the rate designated by APERS. Employees hired after July 1, 2005 are required to contribute five percent (5%) of their wages to the plan (certain exceptions apply, see Human Resources for details). For additional information regarding the retirement system, employees are encouraged to read the APERS retirement booklet, go online to [apers.org](http://apers.org) or contact the Human Resources Director.

#### *Police and Fire Employees*

All uniformed full-time employees shall participate in the Arkansas Local Police and Fire Retirement System (LOPFI). Police employees shall contribute two and a half percent (2.5%) of their wages to the plan and pay into Social Security. Fire employees shall contribute eight and a half percent (8.5%) of their wages to the plan and not pay into Social Security. All fire employees will receive a notice upon employment, concerning Social Security. The City shall contribute at the rate designated by LOPFI. For additional information regarding the retirement system, employees are encouraged to read the LOPFI retirement booklet, go online to [lopfi-prb.com](http://lopfi-prb.com) or contact the Human Resources Director.

#### *Volunteer Fire Employees*

All volunteer Fire Department employees will be given a LOPFI retirement credit. Members will not contribute to the plan. The contribution amount for the City and the qualifying status as volunteer or full-time employment for employees will be determined by LOPFI yearly.

## BENEFITS

### **Retiree Health Benefits**

In compliance with Ordinance No. 2 of 2010, the City offers extended coverage to retired employees and their family after their employment with the City. Retirees electing to extend coverage after employment may do so if they meet all of the following requirements:

- Employee must be age fifty-five (55) or over.
- Employee must complete twenty (20) years of service to the City of Cabot.
- Employee must be receiving a retirement benefit from the Arkansas Local Police and Fire Retirement System, Arkansas Public Employees Retirement System or a local pension fund.

If the employee meets all of these criteria, he/she may continue coverage after retirement. The retiree must pay the entire portion of the premium. The retiree must also have the premium to the City Clerk/Treasurer's Office no later than the end of business of the 5<sup>th</sup> day of the month. Failure to pay the entire premium on or before the 5<sup>th</sup> will result in the retiree being terminated from the plan.

Once the retiree or his/her dependent reaches eligibility for Medicare, the retiree will be terminated from the plan. In the event of the death of a covered retiree, any covered dependent(s) will be allowed to continue the coverage until reaching Medicare eligibility or in the case of a child, the limiting age specified in the existing plan.

## BENEFITS

### **Line of Duty Death**

For all full-time employees employed by the City and enrolled in the City's primary health insurance plan, if an employee dies in the line of duty, the City will pay the employee and the employer's portion of the health insurance premiums for up to 3 years for all eligible dependents who are covered under the plan as dependents at the time the employee is killed in the line of duty. This does not apply to "extra" or supplemental" polices.

Line of duty death will be defined as:

- Injuries resulting in death that occur while the employee is being paid for time worked and the employee is acting in the capacity of a City employee and performing official job duties that he or she would normally or reasonably perform.

Exclusion to this policy will happen when death occurs as a result of:

- While the employee is going to or from work and the event that causes death has nothing to do with the employee's job or job tasks.
- Self-inflicted injuries or intentional injuries that lead to death.
- Any alcohol or drug related incident
- A result of natural causes including heart attack, stroke or disease, including if a natural cause occurs while an employee is performing his or her normal job duties or tasks.
- As a result of injuries received more than one year before the date of the employee's death, unless before the expiration of five years from the date of the injury, the dependents provide medical proof acceptable to the City that death was due to an injury that occurred in the line of duty.

As stated, eligible dependents will be able to receive the insurance completely paid by the City for up to 3 years. The following will result in the City no longer paying the full premium prior to the end of 3 years:

- The dependents enroll in another group policy or plan. Once the dependents leave the City's plan, they are not allowed to return to the plan.
- If a child dependent reaches the limiting age as stated in the plan.
- If the City no longer provides health insurance to employees. (This does not include if the City merely switches providers which the City reserves the right to do)

At any point the dependents come off of the insurance for any of the reasons listed above or 3 years pass, the dependents will be sent a COBRA notice and if eligible, they can continue to pay the full premium for a specified amount of time.