

PERSONNEL POLICY HANDBOOK

FOR
THE CITY
OF



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INTRODUCTION

The information contained in this handbook applies to all employees of the City; however the Police Department and the Fire Department follow a more extensively prepared handbook. This handbook is presented as a matter of information only and its contents should not be interpreted as a contract between the City of Harrison and any of its employees. Circumstances may require the policies and practices described in the handbook to change from time to time. The City of Harrison reserves the rights to revise, modify, rescind, delete, or add to the provisions of this handbook at any time with absolute discretion. Such modifications will be in writing. The City will attempt to provide employees with notification of such changes when they occur. All previously issued handbooks and any inconsistent policy are hereby replaced.

This Personnel Policy Handbook outlines the rules, regulations, and obligations as well as the benefits to which an employee of the City of Harrison is subject.

Each employee has the responsibility of becoming familiar with the contents of this handbook, and use it as a guide. An employee should be ever mindful that their duty is to the citizens of Harrison and all effort should be dedicated to the health, safety and well-being of our entire population.

This handbook is the property of the City of Harrison and may not be circulated or given to anyone outside this organization.

Disclaimer: 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 at-will employment policy nor does it create an employment contract for any period of time.

CHAPTER 1

GENERAL POLICIES

1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures that are necessary to implement and administer the City's personnel system. By adopting this Handbook, the City of Harrison endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

1.2 SCOPE

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

1.3 DEFINITIONS

EMPLOYEE—An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during an given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

EXEMPT EMPLOYEE—Employee who not eligible for overtime as defined by the Fair Labor Standards Act.

NON-EXEMPT EMPLOYEE—Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

FULL-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by the City Council for full-time work. Except for police and fire department employees, work hours shall be forty (40) hours per week. A full-time employee accrues vacation and sick leave, and is eligible for APERS enrollment. Health insurance is offered to full-time employees.

PART-TIME EMPLOYEE—Defined as any Employee who is regularly scheduled to work less than 40 hours per week, though at no set guaranteed number of hours. Insurance benefits are not offered for any part-time employees; nor is holiday pay granted.

Part time employees are in two classifications and are defined as:

- a. Part-time employees who by job description, work 20 hours or more per week earn a pro-rated amount of vacation and sick leave compared to the full time equivalency (i.e. working 50% of the time would receive 50% of these benefits), and are eligible for APERS retirement participation.

- b. Part-time employee who by job description, work less than 20 hours per week do not accrue vacation or sick leave, nor are they eligible for APERS retirement participation.

TEMPORARY/SEASONAL EMPLOYEE—Employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

DEPARTMENT HEAD—An exempt employee who has been designated to oversee supervisors/other employees in their department (Police, Fire, Public Works, Finance, Parks and Recreation, and Housing) as hired by the Mayor.

SUPERVISOR—An employee who has been designated to oversee other employees in the department, as hired by the Department Head.

OVERTIME—Hours worked in excess of 40 hours during a regular work week.

WORK WEEK—Five (5) day period beginning on Monday; and concluding on Friday, except for police officers and firefighters and any other employees specifically excluded from this provision by the terms of this Handbook.

RETIREMENT—The period of time when the employee is eligible for retirement, has applied for and receives retirement benefits.

1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

Since personnel practices and procedures are in a constant state of change, the City of Harrison will continuously review this Handbook for amendments or revisions which might better serve the needs of the City and its employees. As such, this Handbook has been designed to be routinely updated and amended as the need arises.

The City of Harrison shall have the exclusive right to change, alter, delete, add or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall be approved by resolution of the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual, however advance notice may not always be possible.

This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

1.5 DISTRIBUTION LIST

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

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Harrison is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

2.2 AMERICAN WITH DISABILITIES ACT

The City of Harrison abides by the requirements of the Americans with Disabilities Act of 1990, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Department Head/Supervisor or the Human Resource Director. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace. If the change in job or work environment creates an undue hardship for the City of Harrison, then the accommodation may not be made.

2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT

2.3.1 POLICY

The City of Harrison expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

2.3.2 PROHIBITED CONDUCT DEFINED

Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e., race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran, or the presence of any physical, mental or sensory handicap.

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

- Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist or other derogatory materials, i.e., posters, e-mails, calendars, magazines;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Intentional physical contact with either gender specific portions of a person's body, i.e.,

- pinching, gestures, unwelcome touching;
- Making offensive sexual, racial or other derogatory hints or impressions;
 - Requesting favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment;
 - Overtly using one's title or position to sexually or otherwise harass employees.

Discrimination or harassment based upon a person's protected status is prohibited by federal and state anti-discrimination laws and violates City policy where it:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise unreasonably affects an individual employment opportunity.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state law and is prohibited under the City of Harrison's harassment policy when:

- Submission to the conduct is either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
- The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment includes but not limited to:

- Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex;
- Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement;
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station;
- Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

Any employee found to have engaged in such conduct will be subject to immediate discipline, up to and including termination. We, at the City of Harrison, do encourage healthy friendships among its employees; however, employees, especially management and supervisory employees, must be sensitive to acts of conduct that may be considered offensive by fellow employees and must refrain from engaging in such conduct.

It is also, expressly prohibited for an employee to retaliate against employees who bring sexual harassment charges or assist in investigating charges. Retaliation is a violation of this policy and will be subject to immediate discipline, up to and including termination. No employee will be

discriminated against, or discharged, because of bringing up or assisting in the investigation of a complaint of sexual harassment.

2.4 COMPLAINT REPORTING AND INVESTIGATION

The City is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- Determine if the conduct alleged in the complaint took place and constitutes harassment which violates federal and/or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy.
- Stop the offending behavior.
- Restore the complainant's working environment.
- Take steps to prevent retaliation and repetition of the harassment.
- Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

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, however, harassment or suspected harassment has or is taking place:

1. An employee must immediately report the harassment or suspected harassment, in writing, to the Department Head/Supervisor. If the Department Head/Supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Human Resource Director or to the Mayor. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment.
2. Any Department Head/supervisor who learns of or receives a complaint of harassment is obligated to report it to Mayor.
3. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that harassment has occurred, the City shall take appropriate corrective disciplinary action, which may include but not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.

No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Harrison will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated the City's policy against such retaliation.

If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred back to the Department Head/Supervisor for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the Department Head/Supervisor shall determine the manner in which to act upon the findings set forth in the investigation report.

An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 AT-WILL EMPLOYER

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

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

3.2 AUTHORITY TO HIRE AND FIRE

The authority to hire and fire employees of the City of Harrison is the responsibility of the Department Head and/or Supervisor. If filling a position, said position must be approved by current budget.

3.3 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city of Harrison. Application forms are available in the office of the Human Resource Director and with the Department Head/Supervisors. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, copies of the job announcement(s) shall be distributed to the City departments, and posted internally by bulletin boards of each department for the City of Harrison employees. If the position is not filled internally, the Department Head/Supervisor shall notify the Human Resource Director and the opening may be posted in accordance with Equal Employment Opportunity guidelines and policies, on the City of Harrison's website, in the Harrison Daily Times or other local newspaper(s), public and private employment agencies, in the main lobby of City Hall and/or other sources that might recruit applicants, at least ten (10) days prior to the dead-line for receiving applications. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. (Fire and Police applications have different age restrictions). Except as otherwise provided by Arkansas law, the Department Head, with notification to the Mayor, shall make the final decision with respect to hiring new employees and promoting existing employees.

A job description of each vacant position may be provided upon request.

3.4 EMPLOYMENT APPLICATIONS AND RESUMES

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

Applications for full-time city employment will not be accepted from anyone less than eighteen (18) years of age. (Fire and Police applications have different age restrictions.) Except as otherwise provided by Arkansas law, the Department Head, with notification to the Mayor, shall make the final decision with respect to hiring/firing employees and promoting existing employees.

3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals may be required for applicants, if requested by the Department Head, to be hired for the City in a full-time employment position. The examinations shall be performed by licensed physicians selected by the City of Harrison, and paid for by the City of Harrison. A summary report of the examining physician shall be provided to the Department Head/Supervisor as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City of Harrison. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Department Head/Supervisor, and to be kept in the individual's Human Resources personnel file. The City may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the City Government.

3.6 FITNESS FOR DUTY EXAM

Employees, who become incapacitated, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation or who pose a direct safety threat to themselves or others shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Department Head shall take such action that is necessary for the good of the City of Harrison.

3.7 PROBATION

All employees hired shall be considered on probationary status for the duration of not less than one (1) year. While on probation, employees do not have the right to appeal any disciplinary action up to and including termination from the City of Harrison.

3.8 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

It is the City of Harrison's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The City of Harrison will not permit an employee who refuses to submit to requested testing to perform or continue to perform any job related activities. The penalty for refusal to take a mandated test for drugs or alcohol is subject to discharge. All CDL drivers must obtain from the City of Harrison, the City's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city of Harrison's Substance Abuse Policy.

3.9 DRUG AND ALCOHOL TESTING

The City of Harrison 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 of Harrison is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination.

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.

3.9.1 FITNESS FOR DUTY

Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act (ADA) of 1990. The City of Harrison will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the City of Harrison will result in appropriate disciplinary action, including termination.

3.9.2 NOTIFICATION

As a condition of employment with the City of Harrison, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off City premises while conducting city business, or in use of a company or personal vehicle. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

3.10 REHIRES

A former employee who has separated from the City's employment in good standing will be considered for rehire pursuant to this policy.

3.11 NEPOTISM

It is the policy of the City that no individual may function as Supervisor over members of his/her immediate family. For this policy, immediate family is described as: mother, father, brother, sister, child, grandparents, mother-in-law, father-in-law, son-in-law, daughter-in-law, spouse, or those relatives who live in the employee's household, including "step" relatives. Specific guidelines and procedures shall be established to ensure that family members shall not be placed in situations which would violate the intent of this policy.

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 ATTENDANCE

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Department Head/Supervisor. (See also Section 6.4 ABSENTEEISM/TARDINESS).

4.2 WORK HOURS

Except for police officers and firefighters, the standard workweek shall consist of forty (40) hours per week, unless otherwise arranged by the Department Head/Supervisor to meet specific departmental needs. While you are generally expected to work the number of hours in any given day or week (or to be paid for such hours if you do not work that many hours). Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations (see separate handbooks).

Employees are expected to be at their workstation on time and to work the number of hours scheduled. The standard workday shall begin and end at the times established by the Department Head/Supervisor unless otherwise arranged by the Department Head/Supervisor by necessity. The standard workweek is Monday through Friday.

Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the Department Head/Supervisor. Flexible work arrangements allow the Department Head/Supervisor to schedule the workweek of forty (40) hours to meet specific departmental situations.

The City of Harrison reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of Harrison. In emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Department Head/Supervisor. Changes in work schedules will be announced as far in advance as practicable.

Salaried employees generally work the same hours, but may be required to work more hours as the work dictates.

Whenever possible, all employee work schedules shall provide a rest period (not to exceed a 15 minute break) during each four-hour work shift. Reasonable time off for a meal will be provided for full-time employees or those working a minimum of six (6) hours. When a work period of not more than six (6) hours will complete the day's work, the meal period shall be optional.

All time off must be requested in advance and submitted in writing on the appropriate form (if applicable) and submitted to Department Head/Supervisor, as outlined in the appropriate categories with the exception of sick leave. (See Section 5.4 SICK LEAVE and other categories for specific details.)

Overtime work is only performed when necessary and approved in advance by your supervisor. You are expected to work necessary overtime when requested to do so. Hourly employees will receive time and one-half pay for time earned exceeding 40 hours in any given work week. Full time employees will be paid double time for hours worked on a company holiday, if they are not scheduled to work on that holiday. Part time employees will be paid one and one-half times the regular rate of pay for working on a company holiday. Salaried employees are not entitled to overtime pay. All overtime payments will be made in the pay period following the period the overtime was worked.

City of Harrison views attendance as an important facet of your job performance review. All unapproved absences will be noted in the employee's personnel file. Excessive absences, including abuse of Sick Leave, will result in disciplinary action, up to and including termination.

4.3 UNAUTHORIZED WORK TIME

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

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

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

Compensation for employment with the City of Harrison may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the time sheet forms provided by Accounting/Payroll Department. The employee is responsible for the accurate reporting of all time, and must not alter or falsify the time sheet. Any employee found to have engaged in such conduct will be subject to immediate discipline, up to and including discharge. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a bi-weekly basis, every other Monday, to their supervisors for signatures. The supervisors shall forward the same to the Accounting/Payroll Department in a timely manner (no later than 10:00 A.M. on that Monday), to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken.

4.4.2 PAYROLL RECORDS

The Accounting/Payroll Department shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head/supervisor, and individual employees shall be able to inspect their own records during normal business hours, with (48) forty-eight hours advance notice.

4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid every other Thursday. Checks will not be available until 3:00 p.m. on this day from their Department Head/Supervisor. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to the Accounting/Payroll Department.

4.5 SALARY BASIS POLICY*

The Fair Labor Standards Act (FLSA) of 1938 is a federal law which requires that most employees in the United States be paid at least the federal minimum wages for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

*From http://www.dol.gov/esa/regs/compliance/whd/fairpay/modelPolicy_PF.htm

4.5.1 SALARY BASIS REQUIREMENT

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a bi-weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below in Section (4.5.2), an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked.

4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY

Deductions from pay are permissible when an exempt employee: (a) is absent from work for one or more full days for personal reasons other than sickness or disability; or (b) for absences of one or more full days due to sickness or disability when sick leave days are not available. Also, the City of Harrison is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

4.5.3 CITY POLICY

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

4.5.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS

If you believe that an improper deduction has been made to your salary, you should immediately report this information, in writing, to your Department Head/Supervisor or Finance Director.

Reports of improper deductions will be investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed within seven (7) days, for any improper deduction made.

4.6 OVERTIME AND COMPENSATORY TIME

4.6.1 OVERTIME

The City will pay overtime in accordance with the Fair Labor Standards Act at one and one-half times the base rate or hourly rate for all hours worked in excess of the hours per week set forth in the **Section 4.2 WORK HOURS** section of this Handbook.

Overtime will be permitted only with prior approval of the Department Head/Supervisor prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to suspension without pay.

4.6.2 COMPENSATORY TIME

Compensation for overtime may be made in the form of compensatory leave time (“comp time”) to the employee at the discretion of the Department Head/Supervisor. Compensatory time is accrued at a rate of one and one-half times the base rate for all hours worked in excess of 40 hours per workweek, and should be scheduled in the same manner required for vacation days. Excess of fifty (50) hours will be paid out at the end of the calendar year. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee’s then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the Department Head/Supervisor shall be final with respect to the number of compensatory leave days earned of an employee. It is at the Department Head’s discretion to allow comp time off or to pay the employee overtime. However, if at the end of the year, there is an excess of fifty (50) hours or more, it will be paid out to the employee.

4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES

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

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek.

4.7 EMERGENCY SITUATIONS

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

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

4.8 TEMPORARY AND SEASONAL EMPLOYEES

On occasion, the City of Harrison may hire temporary or seasonal employees who are hired for a set duration (i.e., in the form of a seasonal employee, such as a lifeguard for an outdoor swimming pool) or for a specific project. Applicants must be at least fourteen (14) years of age. Applicants below the age of 16 are not permitted to work in hazardous positions as defined by the Child Labor Laws of the State of Arkansas and must present an employment certificate before beginning work. These employees may be hired full or part-time and are paid for actual hours worked at a rate determined by the Department Head. Temporary, non-exempt employees are eligible for overtime for hours exceeding 40 hours per workweek, subject to all other overtime policies set forth in this Handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other City of Harrison benefits.

4.9 VACANCIES AND PROMOTIONS

It is the intent of the City of Harrison to hire and promote the most qualified applicant for all vacant positions. The City of Harrison will strive to fill vacancies by promotion of persons already employed by the City of Harrison. To give the employees of the City of Harrison an opportunity to apply for job vacancies, the Department Heads shall receive announcements of job openings will be posted on employee bulletin boards.

The final decision regarding promotions shall be made by the Department Head/Supervisor, after a review to the Mayor.

4.10 TRAINING

The City of Harrison is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notifying, in writing, his/her Department Head/Supervisor. Expenses incurred in on-the-job training should be assumed by the City of Harrison. The Department Head/Supervisor must approve, in writing, all employee requests prior to enrolling.

4.11 PERFORMANCE EVALUATIONS

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

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, the employee's conduct, demeanor and record of attendance along with any tardiness, and any additional efforts undertaken by the employee. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's Department Head/Supervisor at any time to advise the employee of his/her current level of performance and where appropriate, the existence of performance of disciplinary problems and solutions.

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

4.12 JOB SAFETY

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

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

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head/supervisor.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any and every accident to the supervisor or department head.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or City of Harrison property.

Any un-authorized weapons or dangerous items of any nature such as weapons, explosives, or firearms will not be permitted on City of Harrison property, or in an employee's possession while conducting City business offsite. Of course, theft of any kind will not be tolerated.

4.13 REFUSAL TO WORK

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

4.14 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Harrison are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Although not required, proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

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

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

Disclaimer: This handbook is not a contract. Policies can be changed at any time, and all employment is "at will". This means that the company's relationship with employees is not a guarantee of employment, and can be terminated at any time with or without cause or notice.

4.15 EXIT INTERVIEWS

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

4.16 JOB DESCRIPTIONS

It shall be the responsibility of the Department Head/Supervisor to maintain a job description on file for each position in the department, and to provide and update Human Resources Director with copies of those job descriptions. The job description should include scope of responsibility, whom they report to, typical duties, minimum and preferred qualifications, knowledge, skills and abilities, physical demands.

CHAPTER 5 BENEFITS

5.1 VACATIONS

5.1.1 POLICE DEPARTMENT

See Police Department Handbook

5.1.2 FIRE DEPARTMENT

See Fire Department Handbook

5.1.3 NON-UNIFORMED EMPLOYEES

Upon the employee's hire date, the employee starts accruing vacation benefits per pay period as listed in section 5.1.4, however employees are not eligible to take the time off until the completion of one year. For example, after the completion of one (1) continuous year of employment with the City of Harrison, full time employees receive ten (10) paid working days (80 hours) of vacation and will continue to accrue the vacation benefits at 3.077 hours per pay period.

Part-time employees working 20 hours or more will receive vacation leave based on percentage of hours worked compared to full-time employees hours worked (i.e. an employee working 50% of the time would receive leave 50% of the benefits, one working 75% of the time would receive 75% of the benefits, etc.), however those employees working less than 20 hours do not accrue vacation leave.

5.1.4 VACATION

Date of Hire up to 4 Yr. Anniv.....	10 Working Days (3.077 hours per pay period)
4 Yr. Anniv up to 14 Yr. Anniv.....	15 Working Days (4.615 hours per pay period)
14 Yr. Anniv up to 25 Yr. Anniv.....	20 Working Days (6.154 hours per pay period)
25 Yr. Anniv or more.....	21 Working Days (6.461 hours per pay period)

Unused vacation time may not be carried over from one year to another up to two (2) weeks over the number of working days being accrued. For example, an employee in year three (3) can accrue up to 20 working days before he/she starts losing vacation time. An employee in year 25 would be able to carry over 31 working days before he/she starts losing vacation time.

There is no cash payment in lieu of vacation time, however accrued vacation time will be paid out to the employee, if the employee leaves the employment of the City of Harrison.

The surviving spouse of the decedent shall receive applicable vacation compensation as explained in above paragraph. Persons employed continuously for a period of six months or more who are separated from the City of Harrison in good standing shall be compensated for vacation accrued up to the date of separation, but not to exceed the amount of vacation time earned during one year's employment.

5.1.5 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits in to the overall scheduling of the department. Employees should notify their department head/supervisor at least one (1) week in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed determined by the Department Head/Supervisor based upon departmental workloads. The City of Harrison reserves the right to alter vacation schedules. Maximum vacation leave to be taken at any one time is two (2) weeks or ten (10) days unless advance written approval is granted.

If a City-observed holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee's vacation should be extended for one (1) additional working day, or the number of days equal to the holiday.

5.2 HOLIDAYS AND HOLIDAY PAY

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

HOLIDAY	DAY/DATE
New Year's Day:	January 1st
Martin Luther King Jr. Day	Third Monday in January
Good Friday	Friday prior to Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Employee's Birthday	Department Head/Supervisors Approval

When any of the above mentioned holidays fall on Saturday or Sunday, it will be the policy of the City to conform to the same as nationally observed holidays. (Check with Supervisor or HR before making plans.) Final decision is at the discretion of the Mayor.

In order to qualify for holiday pay, you must work the last scheduled work day immediately before and after the holiday, or be in a paid leave status for such workday such as vacation or sick leave.

The employee's birthday must be taken within the month of his/her birthday, unless otherwise approved by his/her Supervisor.

5.2.1 Police Department

See separate Police Department Handbook.

5.2.2 Fire Department

See separate Fire Department Handbook

5.3 INCLEMENT WEATHER

In the event City of Harrison offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either vacation, comp time or leave without pay.

5.4 SICK LEAVE

5.4.1 POLICE DEPARTMENT

See separate Police Department Handbook.

5.4.2 FIRE DEPARTMENT

See separate Fire Department Handbook.

5.4.3 NON-UNIFORMED EMPLOYEES

Sick leave is intended solely to provide income protection for the employee due to reasons such as illness, injuries away from the job, doctor appointments, to care for family members, etc. Employees need to understand that sick leave is not an entitlement, but rather considered a privilege that is provided as a “financial safety net” and not to be abused. If the supervisor feels that the privilege is being abused, he or she may require the employee to furnish a doctor’s certificate for each period of absence. Supervisors will document any case when the pattern of an employee’s sick leave use indicates possible abuse (i.e. adjacent to holidays, weekends, etc.). Both Supervisor and employee will sign document, employee will receive a copy, and original will be placed in the employee’s personnel file. If an employee falsely reports a sickness as an excuse for absence, the absence will be considered an unauthorized absence and will be documented, signed by supervisor and employee, then placed in his/her personnel file. Such violations will be subject to disciplinary action, up to and including termination.

The City of Harrison recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Harrison provides paid sick leave to its full-time employees. Full-time eligible employees accrue sick leave at the rate of nine (9) working days (72 hours) per year (or 2.769 hours per pay period).

Part-time employees will accrue sick leave based on percentage of hours worked compared to full-time employees hours worked (i.e. an employee working 50% of the time would receive 50% of the benefits, one working 75% of the time would receive 75% of the benefits, etc.), however those employees working less than 20 hours do not accrue sick leave.

Sick leave (including employees first year of employment) is accrued bi-weekly, and may only be taken if enough time has been accrued. Any sick leave time which is not used in any calendar

year, may be carried over as accumulated sick leave time for the succeeding calendar year up to a maximum of 60 days (480 hours).

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

1. Personal illness or physical incapacity.
2. Quarantine of an employee by a physician or health officer.
3. Illness, injury or death in the employee's immediate family, which would require the employee's presence to take care of the family member(s). Immediate family includes only the following persons related by blood, marriage or legal adoption: spouse, parents, grandparents, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
4. Medical, dental, and optical visits.
5. If any full-time employee is involved in an accident (not job related) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within one (1) hour from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

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

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than (1) hour increments. An employee not reporting to work and who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

Effective 4/1/13, new employees will be subject to the following policies on pay out of sick leave hours:

Employees will only be paid out their remaining sick leave hours at the time of his/her retirement or death. For the purposes of this policy, retirement means the employee is leaving their full-time position with the City of Harrison and must meet the following age and service requirements:

- 1) Employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension. Employees normal age and service requirements for retirement are as follows:

APERS

- Age 65 with at least 5 years of service; or
- Any age with 28 years of service; or
- Age 60 with 20 years of service (contributory members prior to 7/1/2005)

- 2) Employee is retiring under a disability under APERS, or any retirement system governed by Arkansas law.

Existing employees would still be paid out for unused sick leave time, if leaving the City of Harrison, in good standing, retiring, or upon their death. Employees hired after April 1, 2013 will only be paid for unused sick leave time in the event of retirement or death (per City Council meeting minutes of May 2, 2013).

Payment for unused sick leave, upon retirement or death, shall not exceed sixty (60) days or 480 hours. Payment for unused sick leave will not be made when the employee's employment terminates for any reason other than death or retirement.

In the event of a death of the employee, his/her survivors will be paid the cash value of accumulated sick leave, not to exceed the maximum of 60 days.

No leave time shall be granted for the last day an employee is scheduled to work prior to separation, except due to disability or retirement.

5.5 CATASTROPHIC LEAVE BANK PROGRAM

Purpose

The purpose of the Catastrophic Leave Bank is to allow eligible participating employees who have exhausted all available leave balances to receive additional leave benefits for extended absences upon submission of a properly documented application.

Existing policies for other types of leave are not affected by this program.

Eligibility

All regular full-time non-probationary employees with a minimum of one year of service shall be eligible to participate as of the original effective date of the plan. Employees reaching their first anniversary of employment after the plan implementation date may begin participation during the next plan open enrollment period.

All participation in this plan is voluntary.

Enrollment

Eligible employees may enroll by completing an enrollment form available from the Catastrophic Leave Bank Committee. Participation will begin immediately after the employee becomes eligible and completes an enrollment form. Participation requires completion of an Enrollment and Contribution Authorization Form during a scheduled open enrollment period.

Any employee may stop participation by notifying the Committee in writing of the intention to cease participation; participation will continue until the next plan anniversary date after receipt of a request for withdrawal. Such notice must be received by the Committee before the end of the scheduled enrollment period.

Open enrollment periods shall be the pay periods beginning on or immediately after July 1 and January 1 of each calendar year. The City Mayor may declare special enrollment or contribution periods as deemed necessary if requested by the Catastrophic Leave Committee.

Contribution

Each participating employee will contribute no less than one tour of duty (eight hours - except for 56-hour Firefighters whose minimum contribution will be 24 hours) of accrued sick, vacation, or paid time off to the Catastrophic Leave Bank each plan year. Initial contributions will be made during the pay period which includes the plan anniversary date or during one of the open enrollment periods.

After the initial contribution, the annual minimum will be contributed automatically during the pay period which begins on or immediately after January 1. If a participant does not have leave to contribute, the participant will be allowed to remain in the Bank and make the contribution when the employee has accumulated eight (8) hours [one (1) tour of duty]. But if Catastrophic Leave is requested and granted, the employee will be charged one day of leave without pay to serve as his/her contribution to the Bank. All contributions and usage will be on an hour for hour basis.

Initial participation will not be allowed if the required annual contribution results in the participating employee having a balance (sick leave and vacation or paid time off) of less than 100 hours (300 hours for 56-hour employees). Additional amounts may be contributed voluntarily by notifying the Catastrophic Leave Bank Committee in writing of the number of hours to be contributed.

Maximum contribution limits will be 40 hours (for 40-hour employees) or 56 hours (for 56-hour firefighter employees).

The Catastrophic Leave Bank may accept up to a maximum of 1,200 donated hours after each enrollment. Donations in excess of that amount will not be credited to the bank. Additional participants may enter the plan by making a contribution which will not change the bank's available hours.

Catastrophic Leave Defined

Catastrophic Leave shall mean leave required for treatment or recovery of a non-job related injury or illness to the participating employee which exceeds two weeks cumulatively in duration as documented by an attending physician. This applies to situations where periodic on-going treatment is prescribed.

Catastrophic leave is not provided to care for or provide assistance to any person other than the participating employee.

Catastrophic Leave Review Committee

All requests for Catastrophic Leave shall be reviewed by a committee consisting of four plan participants designated by the City Mayor and the Director of Human Resources. Attendance of at least four members shall be required to constitute a quorum.

The committee shall meet as required to review requests for Catastrophic Leave approval. If no requests are pending, no meeting is required. Approval of a catastrophic leave request shall require the unanimous vote of the committee members present.

After establishment of any specific required written bylaws or guidelines, the committee will only function to review and act on requests for Catastrophic Leave. Initial activities will include ongoing status review of approved requests and discussion with Human Resources staff to develop any special reports or procedures necessary.

Request Approval

Upon determination that the requesting employee is a participant and all required documentation is in place, the committee shall complete a leave transfer approval form and forward it to the Human Resources Department and/or Payroll for required data entry. The form must specify the number of hours granted or the time period granted for Catastrophic Leave.

Application Requirements

Application for Catastrophic Leave must be made on a standard form which must include or have attached an attending physician's signed statement which shows diagnosis, prognosis, projected return to work date, plus any anticipated restrictions on the employee's work activities at that projected return date. If not provided on the physician's letterhead, the request must contain the name, address, and phone number of the physician and a contact person at that physician's clinic.

Approval/Usage of Catastrophic Leave

The committee's review will ensure each of the following conditions has been met before approval of a request for Catastrophic Leave:

1. Requesting employee is enrolled as a participant.
2. All accumulated leave has been exhausted; no Catastrophic Leave will be approved until all leave has been exhausted; if no leave is available a minimum of the first two weeks of absence due to any illness/injury leave must be charged to leave without pay before Catastrophic Leave is granted.
3. Proper documentation is complete and is provided in a timely manner.
4. Requesting employee has good job attendance.

The decision of the committee to approve or deny catastrophic leave is final.

Miscellaneous Requirements

1. The committee will only approve requests which will keep the Catastrophic Leave Bank in a positive balance.

2. Catastrophic Leave will be established as a separate leave type and employees absent while using Catastrophic Leave will not accrue other leave types. Upon return to active status, leave accruals will resume.
3. Leave contributed to the Catastrophic Leave Bank may not be restored to the contributing employee under any circumstance.
4. Unused Catastrophic Leave credited to an employee will revert to the Catastrophic Leave Bank upon the employee's return to active status should that return occur prior to the exhausting of the credited Catastrophic Leave.
5. A recurrence of a condition causing the need for Catastrophic Leave within 30 calendar days will be treated as a continuation of the same incident and will require only a written request from the employee for resumption of Catastrophic Leave within the limits previously approved by the Committee. Recurrence beyond 30 calendar days of return to active status will be treated as a new case and will require submission of a new request form and documentation.
6. Participation and contribution to the Catastrophic Leave Bank will not affect participation or eligibility for any sick leave incentive program established by the City of Harrison. Use of Catastrophic Leave will be treated as leave used for purposes of considering awards under such incentive programs.
7. The plan anniversary date shall be the first day of the first full pay period occurring on or after January 1 of each plan year.
8. Contributions are made solely to the Catastrophic Leave Bank and may not be designated for any specific employee.
9. Participation in the Catastrophic Leave program is from the initial enrollment date or plan anniversary date after completing an enrollment only; participation cannot be made retroactive under any circumstance.

5.6 FUNERAL OR BEREAVEMENT LEAVE

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

Family shall include: mother, father, brother, sister, child, grandparents, mother-in-law, father-in-law, son-in-law, daughter-in-law, spouse, or those relatives who live in the employee's household including "step" relatives.

A copy of the obituary or other notice must be submitted within 3 days of returning to work.

Three (3) additional travel days may be granted upon prior written approval to the Department Head/Supervisor where time of more than eight (8) hours is necessary.

The Department Head/Supervisor may grant funeral leave of not more than one (1) day for an employee, unpaid if all vacation time has been exhausted, for an employee to be a pallbearer or attend a funeral of someone not listed above.

Bereavement pay will not be computed as time worked for overtime purposes.

5.7 MATERNITY LEAVE

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

In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued vacation leave benefits.

5.8 UNIFORMED SERVICES

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

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and displayed in the lobby of City Hall, and on employee bulletin boards.

As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under Ark. Code Ann. § 21-4-102 (Act 673 of 1991), employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time for annual training requirements or other duties performed in official duty status in any one calendar year. All employees in the military reserve-training program should provide a copy of their report orders to their supervisor as immediately as possible. As mentioned below, the FLSA provides further rights to family members of military personnel.

5.9 FAMILY MEDICAL LEAVE

5.9.1 Types of Leave Covered

Eligible City employees may take up to twelve (12) weeks of unpaid leave for the following reasons:

- 1) The birth and care of the employee's child, or incapacity due to pregnancy or prenatal reasons;
- 2) 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;
- 3) The care of an immediate family member (spouse, child or parent, but not a parent "in-law") that has a serious health condition;
- 4) The inability of a city employee to work because of a serious health condition that renders the employee unable to perform the essential functions of his or her job; and
- 5) An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave;
- 6) Military caregiver leave to care for an ill for injured service member.

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

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member. A serious health condition is defined as a condition that requires:

- 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 (3) days, and for prenatal care.

Including any period of incapacity of any subsequent treatment in connection with such inpatient care of a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to health provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be

considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

The leave may commence as soon as the individual receives the call-up notice.

This leave may extend up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

The City will require written certification of the qualifying exigency for military family leave. The employee must respond in writing to such a request within 15 days of the request or provide a reasonable explanation in writing for the delay.

The City will require written certification from medical authorities for the serious injury or illness of the service member. The employee must respond in writing to such a request within 15 days of the request or provide a reasonable explanation for the delay.

Contact your Department Head/Supervisor or the Human Resources Director for the proper forms or for more information.

5.9.2 FMLA ELIGIBILITY

To be eligible for the FMLA benefits employees must meet the following conditions:

- 1) The employee must have been employed for at least 12 months or 52 weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations.
- 2) And the employee must have worked at least 1250 hours over the previous twelve (12) months preceding the date of the leave that is requested to begin.

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

5.9.3 PLACEMENT ON FMLA

All employees are required to provide verbal or written notice of the need for the leave to the Department Head. However, it is the employer's obligation to designate leave time as FMLA when employee is out for a serious health condition, or simply mentions the need for leave time if it qualifies as FMLA. Within five business days after the employee has provided this notice the City will provide the employee with the DOL Notice of Eligibility and Rights (Form WH381).

5.9.4 CALCULATION OF LEAVE

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

5.9.5 USE OF PAID TIME OFF BENEFITS

Generally FMLA leave is unpaid. The City of Harrison shall not require employees to take accrued sick and vacation leave or vacation; however an employee may request to substitute accrued vacation, sick leave pay or comp pay for all or part of any unpaid FMLA leave. It should be understood, though, that using paid time off benefits does not add to the total length of the maximum 12-week leave permitted. And the portion of family medical leave of absence that is taken using vacation days and sick leave days will be with pay, according to the City's vacation leave policy.

5.9.6 INTERMITTENT OR REDUCED LEAVE

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

5.9.7 NOTIFICATION

You must provide your Department Head/Supervisor with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. Supervisor must document this contact, within 24 hours, including when and how it occurred, sign and date the document. This document will be placed in the employee's FMLA file. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify your Department Head/Supervisor as soon as possible.

Employees out on unpaid leave will be required to contact their supervisors, at least every four (4) weeks, to report on their status and intention to return to work at the end of their leave.

5.9.8 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

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

If a husband or wife both work for the City and wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks or leave.

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

5.9.9 JOB RESTORATION

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment, unless your job has been eliminated or you are no longer able to perform your job. However, certain highly-compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their positions if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

5.9.10 EMPLOYEE BENEFITS

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

If the employee unequivocally informs the City (must be in writing) that he/she does not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period. Leave under this act is not a "qualifying" event under COBRA. If the employee does not return to the job, the employee shall be liable for repayment of the health insurance benefits paid by the City during the employee's FMLA leave.

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

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, holiday pay, pension, etc. However, employment benefits which accrued

up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

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

5.9.11 CERTIFICATION

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

The City may directly contact the employee or family member's health care provider for verification or clarification purposes using the HR Director leave administrator, or management official such as the department Director, but not the employee's direct supervisor. Before the City makes this direct contact with the health care provider, an employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPPA Medical Privacy Rules, the City will obtain the employee's written permission for clarification of individually identifiable health information.

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. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

5.9.12 RELEASE TO RETURN TO WORK

A medical written doctor's release is required for all City employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. This certification must be completed by his/her healthcare provider to show that the employee is able to return to work and perform all of the functions of the job to which the employee is returning. Such release shall be provided to Department Head/Supervisor prior to returning to work.

5.9.13 DISPUTE RESOLUTION

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor and the City will pay for the opinion. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Additional information and forms may be obtained from Department Head/Supervisor or the Human Resource Director.

5.10 LEAVE FOR WITNESS OR JURY DUTY

Employees will be granted paid leave for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the Department Head/Supervisor for Payroll purposes, a copy of the summons or other relevant court related documents as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

Firefighters are not exempt from jury duty. The statute providing for exemption 14-53-103 was repealed in 1997.

5.11 MISCELLANEOUS LEAVE

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be preapproved in writing by Department Head/Supervisor. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid.

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

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

** See Human Resource Director for Travel Expense Policy Guidelines.*

5.12 HEALTH BENEFITS

The City of Harrison provides a group health plan for all its full-time employees after 90 days of employment with the option to make changes to their plan during the open enrollment period in January of each year. The City pays a portion of the benefits plan premiums. Detailed information on the policy and coverage will be given to employees when the employee is hired. Additional information may be obtained from the Human Resource Director.

5.13 OCCUPATIONAL INJURIES

All employees of the City of Harrison — are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located at each location.

5.14 ACCIDENTAL INJURY

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

CHAPTER 6

STANDARDS OF CONDUCT

6.1 COMMUNICATING WITH THE PUBLIC

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

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

6.2 UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Department Head/Supervisor. Employees who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. To comply with IRS regulations, uniforms shall not be worn when off duty, such as doing household chores or on weekends. It is permissible, however, for an employee to wear the uniform prior to work and/or after work to complete errands.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. It is expected for the employee to present a clean and professional appearance. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor or department head. Should an employee's attire be deemed as inappropriate by the Department Head/Supervisor, the employee may be asked to change and return back to work with appropriate work attire.

6.3 GUIDELINES FOR APPROPRIATE CONDUCT

The City of Harrison expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city.

Whether an employee is on-duty or off-duty, his/her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times. It is just as essential that as a City employee, he/she acts in a professional manner and extend the highest courtesy to co-workers, visitors, customers, vendors and clients. A cheerful and positive attitude is essential to our commitment to the public.

Types of behavior and conduct that the City considers inappropriate include, but are not limited to the following:

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;

- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;
- Excessive use of sick time;
- Unsatisfactory work performance;
- Excessive, unnecessary or unauthorized use of city property;
- Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of property from co-workers, citizens or the city;
- Unauthorized possession of firearms, transfer, sale, or use of a deadly weapon while on duty, on City premises or while on city business; except as required as a part of assigned duties;
- Disregarding safety or security regulations;
- Insubordination;
- Breach of confidence or security;
- Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

6.4 ABSENTEEISM AND TARDINESS

Regular attendance is essential to the effective business operations, and the City of Harrison expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors, City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time for any reason, he/she should give "proper notice" to his or her Department Head/supervisor prior to the time that they are to report to work.

An employee shall have abandoned his/her job when the employee has failed to call in and notify his/her Department Head/Supervisor of the reason for absence from work. Job abandonment will also occur when an employee fails to return to work or notify the Department Head/Supervisor of the reason for absence after any approved leave of absence, disciplinary suspension or recall from layoff status. When an employee has abandoned his/her job, that employee shall be immediately terminated from the City of Harrison. Any employee who fails to report to work without notification will be considered a voluntary termination.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action up to and including termination.

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

An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in writing in advance by the Department Head or the employee’s supervisor will be deemed absence without leave. Such absence shall be without pay and subject to disciplinary action, up to and including termination.

6.5 INCLEMENT WEATHER

In exceptional circumstances beyond the employee’s control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor, prior to the employee’s scheduled start time, for instructions regarding job assignments for that particular work day. If an employee’s department is open for business, the employee is expected to report for work. However, if in the employee’s opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day, use comp time or time off with no pay. Regardless of the situation, an employee is required to give his or her supervisor proper notice if he or she is unable to report for work.

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

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

If, as an employee of the city of Harrison, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee’s outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in writing, in advance by the Department Head/Supervisor.

6.7 VOTING

City employees are encouraged to exercise their legal right to vote and, if necessary and requested in advance, reasonable time will be granted for the purpose.

6.8 OUTSIDE COMPENSATION

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the City of Harrison for the performance of their duties as employees of the city.

6.9 USE OF NARCOTICS, ALCOHOL AND TOBACCO

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees of the City shall not use habit-forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

In addition, employees are expected to notify their supervisors if they are convicted of violating any criminal drug law, either within or outside the work place, or if they are convicted of violating any alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace. Violation of policies related to these matters can result in serious disciplinary action, including termination.

Because of the nature of the work, some positions require drug testing before a final employment offer is made. Some positions may also require on-going random drug testing and/or as-needed or upon reasonable suspicion drug or alcohol testing. A positive result will conclude termination of employment. Refusal to submit to testing, failing to report to the collection site, attempting to alter or fail to deliver the documents may be subject to disciplinary action up to and including termination. Each Department Head/Supervisor or supervisor may establish smoking rules or guidelines for his/her departmental employees. However, smoking is prohibited inside the buildings of City Hall and other buildings owned or leased by the City. Also, no smoking is allowed within ten (10) feet of the exterior entranceways.

6.10 DRUG-FREE WORKPLACE

It is the policy of the city of Harrison 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 or while engaged in city business for the city of Harrison or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

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

See Drug Free Ordinance #1348 passed by Council in Oct, 2011.

6.11 USE OF CITY ASSETS AND RESOURCES

6.11.1 POLICY FOR COMPUTER USE

Purpose

This policy serves to protect the security and integrity of the city's electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect city systems.

An employee who violates any aspect of this policy may be subject to disciplinary action including revocation of certain system privileges or termination.

Waiver of Privacy

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

Personal use

The city recognizes that some personal use of city-owned computers and related equipment has occurred and will occur. Some controls are necessary, however, to protect the city's equipment and computer network and to prevent abuse of this privilege.

- Only city employees may use city-owned equipment. Family members or friends of employees are not allowed to use city equipment or technology resources.
- Personal use must take place during non-work hours (breaks, lunch hour, before or after work). Personal use should never preempt work use.
- Reasonable use of city e-mail systems for personal correspondence is allowable, provided it does not interfere with an employee's normal work and is consistent with all provisions in this policy. Employees should treat this privilege as they would the ability to make personal phone calls during work hours. Employees have no expectation of privacy in such information, which is subject to review and inspection by the city and, in certain instances, by the public.
- Reasonable use of the city's access to the Internet for personal reasons is allowable, provided it doesn't interfere with normal work and is consistent with all provisions in this policy and all applicable laws.
- If an employee wants to use or connect their own peripheral tools or equipment to city-owned systems (such as digital cameras, PDAs, disks, cell phones, mp3 players or flash drives), they must have prior approval from the Department Head/Supervisor, Mayor or other authorized employee/official, and must follow provided directions for protecting the city's computer network.
- Files from appropriate personal use of the city's equipment may be stored on your computer's local hard drive, providing the size of all personal files does not exceed 50 MB. Memory space for business information shall take precedence over any personal requirements. At no time may personal files that contain copyrighted material, such as mp3 files or photos, be stored on city computer systems. The city may inspect any data or

information stored on its equipment or network, even if the information is personal to the employee.

- Use of city equipment or technology for personal business interests, for-profit ventures, political activities, religious causes, harassing or disruptive activities or other uses deemed by city policies to be inconsistent with city activities is not allowed. If there is any question about whether a use is appropriate it should be forwarded to the Department Head/Supervisor, Mayor, or other authorized employee/official for a determination.

Modifications to hardware or City-supplied applications that prevent or alter the use of City information is strictly prohibited.

Software, hardware, games and screen savers

In general, all software and hardware required for an employee to perform his or her job functions will be provided by the city. Requests for new or different equipment or software should be made to your Department Head/Supervisor, Mayor, or other authorized employee/official.

The following is approved software that may be downloaded by employees without prior approval:

- Microsoft updates as provided in automatic updates to the user.
- Anti-virus updates as provided in automatic updates to the user.
- Microsoft clipart and photo files.

Unapproved software or downloads (free or purchased), hardware, games, screen savers, toolbars, clipart, music and movie clips, other equipment, software or downloads that have not been specifically approved by the Department Head/Supervisor, Mayor, or other authorized employee/official, or as recommended by an Information Technology professional may compromise the integrity of the city's computer system and are prohibited.

The city purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the city does not have the right to reproduce such software for use on more than one computer. The city prohibits the illegal duplication of software and its related documentation.

The Department Head/Supervisor, Mayor, or other authorized employee/official, without notice, may remove all unauthorized programs or software, equipment, downloads, or other resources if they could harm systems or technology performance.

If there is any question about whether software or hardware downloads, etc. are appropriate, it should be forwarded to the Department Head/Supervisor, Mayor, or other authorized employee/official for a determination.

Electronic mail

The city provides employees with an e-mail address for work-related use. Some personal use of the city e-mail system by employees is allowed, provided it does not interfere with an employee's normal work and is consistent with all city policies.

The city allows employees to access personal e-mail accounts via the Internet provided such access occurs during non-work hours, including established break or meal times, and fully complies with this computer use policy.

An employee's personal e-mail (and other personal documents) accessed via a city computer could be considered "public" data and may not be protected by privacy laws. Personal e-mail and computer use may be monitored as directed by the Department Head/Supervisor, Mayor, or authorized employee/official and without notice to the employee. Employees should not expect privacy in any activity conducted on a city-owned computer.

Employees should be aware that all e-mail accessed on city-owned computers, cell phones, or other equipment, whether personal or work-related, are subject to the Freedom of Information Act, and thus may be accessible by the general public and the media. Further, even if an e-mail has been deleted, it may be retrieved at any time by the city to ensure compliance with this section and/or by the public pursuant to the Freedom of Information Act.

The following policies relate to both business and personal e-mail content sent from a city computer, cell phone, or other equipment:

- Use common sense and focus primarily on using e-mail for city business. Never transmit an e-mail that you would not want your boss or other employees to read, or that you'd be embarrassed to see in the newspaper.
- Do not send confidential communications (e.g. letters of reprimand, correspondence with attorneys, medical information) by e-mail.
- Do not open e-mail attachments or links from an unknown sender. Delete junk or "spam" e-mail without opening it if possible, do not respond to unknown senders.
- Do not gossip or include personal information about yourself or others in e-mail.
- No e-mail must ever contain information that violates law and/or city policy pertaining to discrimination and harassment.
- Do not curse or use swear words in an e-mail.

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

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

Instant Messaging (IM)

Instant Messaging may be allowed to communicate when conducting city business if needed. As such, the ephemeral nature of IM heightens the need for users to be aware that they may be creating public records using this application. Public records are subject to the Freedom of Information Act, Ark. Code Ann. § 25-19-101, et seq., and thus may be subject to inspection and copying by any citizen of the state of Arkansas.

Social Media

When using social media to support official city business in accordance with job duties, individuals should clearly identify themselves as connected to the city. Personal use of social media by city staff – whether about the city or not, and whether positive or negative – will reflect on the city as a whole. Personal use of social media should not violate any city policies already in existence, such as those on harassment prevention. Employees must comply with the city's communications and social media policy.

Storing and transferring documents

Electronic documents, including e-mails, electronic communication and other business-related materials created on an employee's home or personal computer, should be stored on the city's network in accordance with city records retention policies and applicable state and federal laws, including the Arkansas Freedom of Information Act. The following are some general guidelines that may be useful to consider:

- Electronic communication that constitutes an official record of city business or is otherwise required to be kept by law must be kept in accordance with all records retention requirements and should be copied to appropriate network files for storage.
- City-related documents that an employee creates on his or her home computer or any other computer system should be copied to the city's network files.
- Documents or electronic communications that may be classified as protected or private information under state and federal law, such as the Americans with Disabilities Act, should be stored separately from other materials.

If you are unsure whether an electronic communication or other document is a government record for purposes of records retention laws, or is considered protected or private by law, check with your supervisor, the Department Head/Supervisor, the City Clerk, Mayor, or other authorized employee/official, or the designated responsible authority. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact the Department Head/Supervisor, Mayor, or authorized employee/official.

Transferring data and documents between computer systems requires information to be stored on a floppy disk, CD-ROM, flash or USB drive, or other storage media. These items can also be used to transmit computer viruses or other items harmful to the city's computer network.

The city has installed anti-virus software on each computer to protect against these threats by automatically scanning storage media for viruses and similar concerns.

All employees should follow directions for updating anti-virus software as prompted. If you have any questions about how to update your anti-virus software or check your storage media before you use it, check with the Department Head/Supervisor, or other authorized employee/official.

Internet

The city provides Internet access to employees for work on city business. Employees may use this access for work-related matters in a professional manner.

Occasional personal use of the Internet is acceptable within the bounds of all city policies. The following considerations apply to all uses of the Internet whether business related or personal:

- There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source.
- Internet use during work hours must be limited to subjects directly related to job duties.
- Personal use of Internet during non-work hours (breaks, lunch hour, before or after work) is permitted. However, employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material that otherwise violates city policies related to respectful workplace and harassment prevention. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter. If you are unsure whether a site may include inappropriate information, you should not visit it.
- No software or files may be downloaded from the Internet unless approved in advance by the Department Head/Supervisor, Mayor, or other authorized employee/official. This includes but is not limited to free software or downloads, maps, weather information, toolbars, music or photo files, clipart, screensavers and games.
- Employees may not participate in an Internet chat room – an online meeting place to discuss a particular topic, sometimes in semi-privacy – unless the topic area is related to city business.
- The city may monitor any employee's use of the Internet for any purpose without prior notice, as deemed appropriate by the Department Head/Supervisor, Mayor, or other authorized employee/official.

Passwords and physical security of equipment

Employees are responsible for maintaining computer passwords and following these guidelines:

- It is recommended that passwords be at least eight (8) characters long and include both lower and upper case characters, at least one number and at least one non-alpha-numeric character (e.g., *, &, %, etc.) An example might be Po1!ci3S.
- Your passwords should not be shared or told to anyone. If it is necessary to access an employee's computer when he or she is absent, contact the Department Head/Supervisor.
- Passwords should not be stored in any location on or near the computer. If necessary, store your password in a document or hard copy file that is locked when you are absent from your desk. Do not store it electronically in a palm pilot or cell phone system.
- The computer system will prompt employees to update passwords every three months. Employees must change passwords when prompted.

Lock your workstation (press Ctrl-Alt-Del keys) if you will be away from your desk or office for more than five minutes. Unlock your computer by doing the same and typing in your passwords.

Use caution if you leave equipment unattended because it is generally small and portable. Do not leave city computer or other equipment in an unlocked vehicle or unattended at any off-site facility (airport, restaurant, etc.). If your office or desk area is in a high-traffic public area, check with the Department Head/Supervisor about appropriate security measures.

Remote access

For security purposes, no employee is allowed to access our system remotely. Any questions regarding this matter must be directed to the Mayor.

Notice of computer problems

Employees are responsible for notifying the Department Head/Supervisor about computer problems or odd computer behavior. Employees should err on the side of caution when reporting issues because small problems may indicate a more serious network or computer system issue.

6.11.2 COMMUNICATIONS AND SOCIAL MEDIA

Purpose

The City of Harrison strives to provide the public accurate and timely information, communicated in a professional manner, and in accordance with the laws regarding public information.

This policy provides guidelines for all external communications from the city using various mediums including:

- Printed materials such as newsletters, articles, and brochures.
- Electronic materials such as email, postings to Web sites or social media sites.
- Media relations such as requests for interviews, news releases, and media inquiries.

The city also recognizes that employees may sometimes comment on city matters outside of their official role as an employee of the City of Harrison. Therefore, this policy also provides guidelines for employees when communicating as a private citizen on matters pertaining to city business.

Waiver of Privacy

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

General Guidelines for All Communications

All city employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error to the Mayor or other appropriate staff. Regardless of whether the communication is in the employee's official city role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc. Employees must also follow all city policies that may apply.

- **Technology and Computer Use Policy.** City employees may use city technology for personal reasons on a limited basis provided it doesn't interfere with normal work. The city reserves the right to inspect any electronic data made by a city-owned computer or related system. This includes, but is not limited to emails, phone calls, instant messages, and text messages, etc.
- **Respectful Workplace Policy.** Employees cannot publish information that violates law and/or city policies pertaining to discrimination and harassment.
- **FOIA Policy.** Employees cannot disclose private or confidential information and must route FOIA requests to the responsible authority.
- **Political Activity Policy.** Employees cannot use city resources or participate in personal political activity while on city time or while discharging city responsibilities. No employee may represent in words or conduct that the city takes a position on any political or social issue unless the city council has in fact voted in favor of taking such a position. Additionally, all public officials, public employees, and public appointees are subject to Ark. Code Ann. § 7-1-103, which makes the devotion of time or labor during usual office hours to the campaign of any other candidate for office or the action of circulating a petition for an initiative or referendum a misdemeanor offense. Finally, certain officials and employees should be aware that the Federal Hatch Act, 5 U.S.C. § 1501 through 1508, may apply to them.

Additional Guidelines for Official City Communications

Handling General Requests:

All staff is responsible for communicating basic and routine information to the public in relation to their specific job duties. Requests for private data or information outside of the scope of an individual's job duties should be routed to the City Clerk. *According to A.C.A. §25-19-103 (a) and (b), "Custodian" with respect to any public record, means the person having administrative control of that record. "Custodian" does not mean a person who holds public records solely for the purpose of storage, safekeeping, or data processing for others.*

Handling Media Requests:

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the Mayor or appropriate staff. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and Web sites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify the Mayor's office of the request.

2. If the request is regarding information about city personnel, potential litigation, controversial issues, an opinion on a city matter, or if you are unsure if it is a “routine” question, immediately forward the request to the Mayor, or in the case of a records request, to the City Clerk. An appropriate response would be, “I’m sorry, I don’t have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as he/she can.”
3. Ask the media representative’s name, questions, deadline, and contact information.

Handling Requests for Information Pursuant to FOIA:

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

Communicating on behalf of the city:

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

- Employees must identify themselves as representing the city. Account names on social media sites must clearly be connected to the city and approved by the Mayor.
- All information must be respectful, professional and truthful. Corrections must be issued when needed.
- Employees need to notify the Department Head/Supervisor if they will be using their personal technology (cell phones, home computer, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Freedom of Information Act.

Additional Guidelines for Personal Communications

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

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

building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber.

- It is the policy of the City of Harrison to respect the rights of its employees and officers to freedom of expression and other rights granted by the first amendment to the United States Constitution and by the Arkansas Constitution. Nothing in this policy shall be construed to abridge any of those rights.
- The city may from time to time, consistently with constitutional protections, enact and enforce other reasonable regulations and policies concerning communications by its employees, who will be expected to abide by such regulations.

6.11.2 TELEPHONES

Telephones are to be used to conduct City business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the Department Head/Supervisor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.

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

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

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

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

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

6.11.3 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Harrison provides various information and technology resources such as e-mail, computers,

software/ computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wire- less communication devices and voice mail systems. Please remember that these tools are City property and must be used in a manner that reflects positively on the City and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your col- leagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software of data belonging to others or to the City. Reading another employee's files is prohibited unless authorized by the department head/Supervisor. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department responsible for the data.

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

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

Only software which has been purchased or approved by the City of Harrison may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with City computers, networks, or storage media are property of the City and shall not be removed from the workplace without proper authorization. The City's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software.

Employees should exercise proper email maintenance and hard drive computer storage to avoid exceeding mailbox and hard drive storage limits. Employees should also exercise proper attention in opening and sending attachments and executable files to limit exposure to computer viruses.

Computer equipment, including software, should not be removed from City of Harrison's premises without prior written approval from the Department Head/Supervisor.

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

6.11.4 INTERNET ACCESS

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

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

6.11.5 ELECTRONIC MAIL AND CONFIDENTIALITY

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

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

6.11.6 REMOVAL OF CITY PROPERTY

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from the Department Head/Supervisor.

6.12 CITY VEHICLES

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

The use of City vehicles is restricted to City business purposes only. Employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City. With prior permission of the Department Head/Supervisor, employees may transport spouses in City vehicles when attending conferences or meetings.

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 Department Head/Supervisor. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

6.13 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 or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

WARNING OR REPRIMAND. A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing and such reprimand will be entered in the employee's personnel file. If oral reprimand is used, Department Head/Supervisor must document the situation and place the document in the employee's file. The document will be signed and dated by the Department Head/Supervisor.

SUSPENSION. Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay. A suspension will be in writing and will list the period of time for the suspension, and the date the suspension is to begin and end. Documentation will be filed in the employee's personnel file.

DEMOTION. A demotion is an action that places the employee in a position of less responsibility and less pay. A demotion will be in writing to list such offenses or grounds along with the date of effective change. Documentation will be filed in the employee's personnel file.

TERMINATION. This type of disciplinary action is a removal of an employee from city employment. An employee who has committed a serious offense or whose work establishes grounds for termination will be given written reason that can be supported at a pre-termination hearing.

6.14 PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION

Review of all disciplinary matters shall be conducted as follows:

1. A written grievance shall be served upon the employee's immediate supervisor within five (5) working days after the disputed disciplinary action. The Supervisor shall have five (5) working days after receiving employee's grievance to respond in writing. To the extent possible, the grievance shall be resolved at this level.
2. Should the employee not be satisfied with Step 1, the employee shall submit the grievance in writing to their Department Head/Supervisor within (5) working days of receiving the Supervisor's response. The Department

Head/Supervisor will investigate the problem and respond in writing within five (5) working days.

3. In the event Step 2 does not satisfy the employee, a written appeal may be made to the Mayor within five (5) working days of the Department Head's response. The Mayor shall make the final management decision within ten (10) working days and respond to all concerned parties in writing.
4. Should Step 3 fail to satisfy the employee, a written appeal to the Personnel Committee may be made by the employee within five (5) working days of the Mayor's response. The Personnel Committee will meet with the employee and arrive at a decision. That decision will be made known in writing to the employee within ten (10) working days of the meeting.
5. Should the grievance still exist, an employee may submit a written request to appear before the City Council within five (5) working days of the Personnel Committee's response. The employee's grievance would then be placed on the agenda to be considered at a regularly scheduled City Council meeting or a special called meeting within ten (10) working days. The decision of the full Council shall be communicated, in writing to the employee within ten (10) working days after the Council meeting.
6. Should the member not be satisfied with the decision in Section 5, they then may appeal to the Court system.

CHAPTER 7

MISCELLANEOUS INFORMATION

7.1 POLICY STATEMENT

The City of Harrison possesses the sole right to operate and manage the affairs of the city.

7.2 CONFLICTS

The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

7.3 SEVERABILITY

Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect.

7.4 POLICY CHANGES

The City of Harrison reserves the right to suspend, revoke, add, delete, or revise any of the policies contained this Handbook at any time.

7.5 CHANGE OF ADDRESS/INFORMATION

It is important that the personnel records of the City of Harrison be accurate at all times. Employees changing his/her home address, telephone number, marital status; name, number of dependents or any other pertinent information must notify his or her department head/supervisor in writing of this change. The Department Head/Supervisor must notify the Human Resources Director in writing, so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. The Accounting Department should also be informed of changes in address, marital status and dependents so that taxes are computed correctly, and for the mailing of W-2 forms.

FORMS

Appendix A: Catastrophic Leave and Contribution Authorization Form

Appendix B: Catastrophic Leave Bank Request Form

Appendix C: Receipt of Harrison Personnel Handbook (for Handbook)

Appendix D: Receipt of Harrison Personnel Handbook (for Personnel File)

**CATASTROPHIC LEAVE ENROLLMENT
AND CONTRIBUTION AUTHORIZATION FORM**

Employee Name: _____

Social Security Number: _____

I hereby request participation in the City of Harrison Catastrophic Leave Bank program. I agree to contribute _____ hours (minimum of eight for 40-hour employees; 24 for 56-hour employees) from my personal (circle one) sick leave or vacation accrual or paid time off accrual, upon implementation of the bank and on each plan anniversary date until and unless I provide notice in writing that I wish to cease participating. I understand that any leave contributed will belong to the bank and cannot be restored to me even if I cease participation. After a request to cease participation, I understand that I will continue to participate until the next plan anniversary date but after that date I will not receive any benefit unless I complete a new enrollment and make the required contribution.

I also understand that any request for use of Catastrophic Leave requires the following:

1. Exhaustion of all accumulated leave.
2. Absence of at least two weeks/ten workdays before Catastrophic Leave can be granted (includes time used in accordance with #1 above).
3. Specific documentation from an attending physician, including diagnosis, prognosis, projected return to work date, and any anticipated restrictions on work activities as of that release date.
4. Approval by the Catastrophic Leave Bank Committee.
5. Completion of a request form with all required information and documentation.
6. Sufficient Catastrophic Leave Bank hours available for use.
7. I may have to supply documentation for previous sick leave usage and that the Committee may contact my supervisor, department director and/or review my personnel file to determine if sick leave abuse has occurred.

Signature

Date

CATASTROPHIC LEAVE BANK REQUEST FORM

Employee Name: _____
(Print)

Date of Employment: _____

Department: _____

I request consideration for approval of Catastrophic Leave for the following reasons:

I am requesting Catastrophic Leave until: _____

Available leave accruals were (will be) exhausted on _____

First date of absence due to this condition was: _____

I understand that the Committee may contact my supervisor or department director to determine if sick leave abuse has occurred. The Committee will also review my leave records and personnel file to evaluate my job attendance. I understand that if I receive Leave it would count as leave under the City's FMLA policy.

Signature

Date

Specific documentation from an attending physician including diagnosis, prognosis, projected return to work date, and any projected restrictions on work activities as of that date is attached.

Employees should review the City's Americans with Disabilities Act policy regarding possible accommodations(s) in association with this, or any other, medical condition.

COMMITTEE USE ONLY

Date Request Received: _____

Meeting Date for Request Consideration: ____

Approved: _____ Maximum hours: _____

Time period Leave Granted: _____

Denied: _____

**RECEIPT OF CITY OF HARRISON
PERSONNEL HANDBOOK
(To Remain In Handbook for Employee's Reference)**

I, _____, acknowledge receipt of the City of Harrison Personnel Handbook.

The City of Harrison Personnel Handbook has been prepared for my information, and it is my responsibility to read and to perform my job duties in accordance with the policies outlined in the Personnel Handbook, and any additional rules, regulations, policies or procedures which may be imposed by the City, or department in which I work, whether or not I read this Handbook. Failure to read this Handbook, does not excuse me from being covered by or complying with its provisions. I understand this handbook is not intended to cover every situation, which may arise during my employment, but is simply a general guide to the goals, policies, practices, benefits and expectations of the City of Harrison, as well as my responsibilities as an employee. If I have any questions about the provisions contained in this Handbook, I should direct them to my Department Head or the Human Resources Director.

I understand that this Handbook is not a contract or a guarantee of employment for a definite or indefinite term, and should not be deemed as such. I understand that my employment will be "at will" employment and that, at any time, I, or the city of Harrison may, with or without cause, terminate such employment.

The City of Harrison retains the right at any time, in its own discretion, to delete, add to, alter, and amend any and all information, statements, employee benefits, or terms and conditions of employment contained herein with or without advance notice to me.

By signing below, I hereby state, that I have received and will familiarize myself with the Personnel Policy Handbook from the City of Harrison. I understand this policy is the property of the City of Harrison, and I am to keep this policy manual for review for the time of my employment with the City of Harrison.

Employee Signature _____ Date _____

**RECEIPT OF CITY OF HARRISON
PERSONNEL HANDBOOK
(To Be Placed In Employee's Personnel File)**

I, _____, acknowledge receipt of the City of Harrison Personnel Handbook.

The City of Harrison Personnel Handbook has been prepared for my information, and it is my responsibility to read and to perform my job duties in accordance with the policies outlined in the Personnel Handbook, and any additional rules, regulations, policies or procedures which may be imposed by the City, or department in which I work, whether or not I read this Handbook. Failure to read this Handbook, does not excuse me from being covered by or complying with its provisions. I understand this handbook is not intended to cover every situation, which may arise during my employment, but is simply a general guide to the goals, policies, practices, benefits and expectations of the City of Harrison, as well as my responsibilities as an employee. If I have any questions about the provisions contained in this Handbook, I should direct them to my Department Head or the Human Resources Director.

I understand that this Handbook is not a contract or a guarantee of employment for a definite or indefinite term, and should not be deemed as such. I understand that my employment will be "at will" employment and that, at any time, I, or the city of Harrison may, with or without cause, terminate such employment.

The City of Harrison retains the right at any time, in its own discretion, to delete, add to, alter, and amend any and all information, statements, employee benefits, or terms and conditions of employment contained herein with or without advance notice to me.

By signing below, I hereby state, that I have received and will familiarize myself with the Personnel Policy Handbook from the City of Harrison. I understand this policy is the property of the City of Harrison, and I am to keep this policy manual for review for the time of my employment with the City of Harrison.

Employee Signature_____ Date_____

