CITY OF MAUMELLE

Uniform Employee Handbook

Effective June 2008
Revised May 2009
Revised May 2011

The Mission Statement for the City of Maumelle: *To continue to make Maumelle an outstanding place to live and work, where customer service is based on the relationship between the citizens and the city representatives who are committed to provide a high quality of life through security, preservation of natural beauty and a high standard of service.*

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FOREWARD

The *Employee Handbook* is a reference tool designed to provide employees with information relating to personnel policies and procedures. These policies and procedures are designed to create an environment in which employees may perform their duties and carry out their responsibilities in a positive manner. The *Employee Handbook* is not a contract of employment, implied or expressed.

From time to time some policies may be revised and/or updated by the City of Maumelle. You will be informed of changes.

The descriptions of benefits and employment eligibility contained in this *Employee Handbook* are not intended to be complete or detailed. You may request specific information on insurance policies, benefits, or other relative documents from the Human Resources Department. If there is a conflict between the *Employee Handbook* and the documents, the documents will govern.

You should ask your supervisor for any departmental polices and procedures that relate to your employment. If there is a conflict between departmental policies and the City's *Employee Handbook, the* City's *Employee Handbook* will govern.

As an "At-Will" employee, you and the City of Maumelle maintain the right to terminate the employment relationship at any time, for any reason or no reason, as long as the termination does not violate federal or state statutes.

Any reference to gender in the *Employee Handbook* refers to both male and female and in no way is meant to discriminate against either sex. Also, it is the intent of the City of Maumelle to provide and maintain a cooperative, harmonious and safe work place and that all employees are to be treated with respect, dignity, and equitably.

M A U M E L L E

To All Employees of the City of Maumelle:

This handbook was especially prepared for all employees of the City of Maumelle. The handbook was developed to describe the personnel policies and procedures of the City, as well as to outline the programs and benefits available to eligible employees. You should familiarize yourself with the contents of the employee handbook as soon as possible, because it will answer many questions about your employment with the City.

The policies set forth in this handbook do not create contractual rights in favor of the employee. Rather, the policies set forth herein represent the unilateral expression of the City's policies, issued for the employee's guidance. The City may, at any time, amend or delete the policies. When possible, advance notice will be provided to the employee. This handbook does not create an employment contract, term of employment, or in any way limit the reasons for dissolution of the employment relationship. None of the information contained in the handbook is intended, by reason of its publication, to confer any rights or privileges in favor of the employee, to entitle the employee to be or remain employed by the City or to alter the employee's status as an "at-will" employee. There is a limited exception to the “at-will” employment status for uniformed employees who may be covered by the City’s Civil Service system.

Sincerely,

Michael Watson

Michael Watson
Mayor

PUBLIC POLICY

A. Notice of Non-Discrimination

The City of Maumelle (City) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. The City of Maumelle does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in City's programs and activities, as well as the City's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the City's non-discrimination policies may be directed to Vernon James, Director of Human Resources - EEO/DBE (Title VI Coordinator), 550 Edgewood Drive, Suite 590, Maumelle, AR 72113, (501) 851-2784 ext. 233, (Voice/TTY 711), or the following email address: vernon@maumelle.org. Also, contact James Morley, Director of Code Enforcement and Permits - EEO/DBE (ADA/504 Coordinator), 550 Edgewood Drive, Suite 590, Maumelle, AR 72113, (501) 851-2784 ext. 233, (Voice/TTY 711), or the following email address: jimm@maumelle.org.

This notice is available from the Title VI Coordinator in large print, on audiotape and in Braille.

B. Equal Employment Opportunity Employer

The City of Maumelle is an Equal Employment Opportunity employer. There is zero tolerance for discriminatory practices regarding employment opportunities to any person, on the basis of race, color, national origin, political affiliation, religion, sex, age, physical handicap, veteran status or any other federal or state protection.

With regard to the employment of persons with disabilities, the City will make reasonable accommodation(s) in order that a qualified individual can gain or continue employment with the City. A "qualified individual" is someone who:

1. has the requisite skill and experience to meet the job-related requirements of the position, known as being "otherwise qualified" for the job; and

2. has the ability to perform the essential functions of the position with or without a reasonable accommodation.

C. Harassment

Policy Statement

Harassment, of any type (sexual or otherwise) is strictly prohibited by the City of Maumelle. The City of Maumelle specifically prohibits and has absolutely no tolerance for any form of harassment, discrimination, or unprofessional conduct on the part of its employees. The City of Maumelle expects that all employees will treat one another with

dignity and respect. Violation of this policy will subject any employee to disciplinary action, up to and including immediate discharge.

Direct Access

Do not assume that the City of Maumelle is aware of harassing conduct. It is the responsibility of the employees of the City of Maumelle to bring information, complaints and concerns to the attention of their Supervisor, Department Head, and the Director of Human Resources so that action may be taken to resolve the problem. The City of Maumelle is always willing to meet privately with any employee to discuss suspected harassing conduct by any employee or official of the City of Maumelle. No employee has to communicate first with a supervisor or a department director before coming to the Director of Human Resources with a complaint. If an employee does not feel comfortable talking to their Supervisor or Department Head he or she may speak privately with the Director of Human Resources or the Mayor.

Definition of Harassment

Harassment, for the purpose of this policy, shall include verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age or disability, and that (I) has the purpose or effect of creating and intimidating, hostile, or offensive working environment, (ii) has the purpose of effect of unreasonably interfering with an individual's work performance, or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, (I) sexual advances, requests for sexual favors, unwelcome or offensive touching, and other verbal, graphic or physical conduct of a sexual nature, (ii) epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, sex, national origin, age or disability, and (iii) written or graphic material that belittles or shows hostility or aversion toward any individual or group because of race, color, religion, sex, national origin, age, or disability and that is placed on walls, bulletin board, or elsewhere on the premises of the City of Maumelle or circulated in the workplace.

Procedure for Making a Complaint of Harassment

1. Employee Reporting Obligation

Any employee who feels that he or she is being harassed in any way by another employee, a public official, by a customer or vendor, has the absolute right and obligation to promptly make his or her complaint, concerns, and feelings known to the employee's immediate supervisor. If the immediate supervisor does not agree with the employee's position, if the employee is not satisfied with the way the complaint is being handled, if the employee does not feel comfortable discussing the matter with the immediate supervisor, or if the immediate supervisor is the source of the problem, the employee should promptly report the problem to their Department Head or, if an employee does not feel comfortable talking to Department Head, he or she may speak privately with the Director of Human Resources and/or the Mayor.

2. Supervisory Responsibility when a Complaint is Received

Any Supervisor who receives a complaint of harassment or becomes aware of facts and circumstances that may reasonably be viewed as harassing behavior by an employee towards another employee shall immediately report the complaint or conduct to their Department Head and the Director of Human Resources.

3. Investigation and Appeal of Suspected Harassment

Once a complaint or report of suspected harassing behavior is received by the Director of Human Resources, the Director of Human Resources shall notify the Mayor. The Director of Human Resources is charged with thoroughly investigating the matter and, where appropriate, implementing disciplinary action, up to and including termination of the employee(s) who is found to have violated this policy. The investigation will be completed as quickly as possible, utilizing all available and appropriate resources. Once the investigation has been completed, the employee making the complaint will be informed of the outcome of the investigation and of the remedial action taken, if any.

Action(s) taken by the Director of Human Resources may be appealed to the Mayor who shall review evidence submitted by the Director of Human Resources and the Appellant. The Mayor may or may not choose to investigate further and/or to hold a hearing. The decision of the Mayor shall be final within the scope of City action.

If the complaint is against the Director of Human Resources the City Attorney shall investigate and make known to the Mayor the findings and recommendation(s). The decision of the Mayor is final within the purview of the City.

4. Retaliation for Filing a Complaint Not Tolerated.

No employee of the City of Maumelle will be penalized in any way for reporting harassing conduct or suspected harassing conduct. The City of Maumelle does not tolerate reprisals or retaliation against any employee. Any suspected reprisal or retaliation for the reporting of harassing conduct or suspected harassing conduct should be reported in the manner set forth above. The report will be investigated and appropriate remedial action, up to and including termination will be taken against any employee(s) who is found to have committed an act of reprisal or retaliation.

CITY GOVERNMENT

Organization

The City of Maumelle, the “City”, was incorporated in June of 1985, and organized in October of the same year under the City Manager form of government. Also, in October of 1985, a Board of Directors was elected, operating as the "Supreme Legislative and Executive Body of the City." However, in 2001 the present form of municipal governing was changed to the Mayoral form of government by popular vote of the citizenry; the Mayor serves as the Chief Executive of the City.

Departments

The City is organized into the following Departments: Administration, Code Enforcement, Community and Economic Development, Finance, Fire, Human Resources, District Court, Parks and Recreation, Planning and Zoning, Police, Public Works, and Senior Services Department.

1) The Department of Administration consists of the Office of the Mayor, the City Clerk‘s Office, City Attorney’s Office, and Special Projects.

2) The Department of Code Enforcement and Permits performs building inspections for all residential and commercial construction in the City and enforcement of building and environmental codes.

3) The Department of Community and Economic Development assists in developing plans for the growth of the economic base of the City.

4) The Department of Finance tracks the City’s finances and assures that adequate funds exist for the purchase of items that provide services to the citizens of Maumelle, and to account for the City’s finances properly and accurately.

5) The Fire Department provides protection to Maumelle citizens and businesses by providing traditional fire service. Maumelle Fire personnel are trained to provide the best help in almost any type of public safety situation.

6) The Department of Human Resources guides and directs the development, enhancement, maintenance, and administration of a comprehensive human resources and payroll administration system for the City of Maumelle.

7) The District Court is established to hear and render decisions on legal, personal, and material matters.

8) The Department of Parks and Recreation provides the Community Center's functions and all outdoor recreational facilities within the City as well as maintaining all City parks. Many recreational and self-development programs are made available through this Department.

9) The Department of Planning and Zoning reviews all commercial, residential, and industrial development in the City. Maintains master street plan, land use plan and re-zoning maps.

10) The Police Department provides protection to Maumelle citizens and businesses through the enforcement of all federal, state, and local laws. Maumelle Police personnel are trained to provide the best help in any type of public safety situation.

11) The Department of Public Works ensures the neat and clean appearance of the City, proper signing of streets, and maintenance of City streets, property, and equipment. The Department of Public Works also includes the Sanitation and Animal Control divisions.

12) The Senior Services Department provides services and activities for well and frail seniors, including noon meals.

At- Will Employer

Uniformed employees are subject to the statutes of the State of Arkansas and the Maumelle Civil Service Commission rules and regulations.

Freedom of Information Act

Act 93 of 1967 created what is commonly referred to as the "Freedom of Information Act of 1967". The legislative intent of the Act was to ensure "…in a democratic society that public business be performed in an open and public manner so that the electors shall be advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy…"
The two areas most affected by the Freedom of Information Act (FOIA) are public records and public meetings-

(1) "Public records" means writings, recorded sounds, films, tapes, or data compilations in any form, required by law to be kept or otherwise kept, and which constitute a record of the performance or lack of performance of official functions which are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.

(2) "Public meetings" means the meetings of any bureau, commission, or agency of the state, or any political subdivision of the state, including municipalities and counties, boards of education, and all other boards, bureaus, commissions, or organizations in the State of Arkansas, except grand juries, supported wholly or in part by public funds or expending public funds.

FOIA requests should be responded to in cooperation with the City Clerk's office.

Arkansas law may imply a duty to retain certain documents and a means by which to destroy other documents. The City Clerk and/or City Attorney should be consulted before any documents are destroyed.

The Mayor must be notified of all FOIA requests.

Arkansas Right to Work Law

The Arkansas Constitution protects against discrimination in employment because of membership or non-membership in a labor union. Specifically, the Arkansas Constitution, Amendment 34 - *Rights of Labor* - states in part, "No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union; nor shall any person

against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment."

SELECTION, EMPLOYMENT, ADVANCEMENT, and SEPARATION

Recruitment and Selection

The citizens of the City of Maumelle expect and will receive the best possible services the City can provide. Essential components in delivering these services are the *City's Employees.* In order to attract the best possible candidates the City will augment traditional methods such as word-of-mouth and print media by exploring and enhancing alternative methods such as the internet, trade publications, and professional networking.

Prior to employment with the City, but after the City makes a conditional offer of employment, candidates for positions as police officers and fire fighters will be required to pass a pre-employment physical examination; in addition, all selected candidates must successfully pass a pre-employment drug screen test as a condition of employment.

The City will only accept applications for uniform positions when the current certified City of Maumelle Civil Service Commission list is at least one (1) year old or the list does not contain enough applicants from which to make a selection. The Fire or Police Chief may make a request to the Civil Service Commission to extend a certified Civil Service Commission register.

Employment Categories

The City of Maumelle recognizes the following categories of employment:

1. Elected Officials: Individuals elected by the citizens of Maumelle who are to be compensated for their services through the City's payroll system; some positions may be eligible for benefits.

2. Full-Time: Employed in a budgeted position that is scheduled for a minimum of 1,560 hours per year; this position is eligible for all fringe benefits offered by the City.

3. Part-Time: Employed in a budgeted position that is scheduled for a maximum of 1,040 hours per year; this position may be eligible for certain fringe benefits.

4. Provisional: Employed in a grant funded position with benefits determined by the grant; not a budgeted position.

5. Seasonal: Employed in a position that is required during certain times of the year; hours may vary; not eligible for fringe benefits.

6. Temporary: Employed for a certain period of time not to exceed six months during any calendar year; not eligible for fringe benefits.

All positions are covered by Workers' Compensation and subject to Federal, State, and City laws, regulations, and procedures relating to employment and compensation practices.

Drug Free Workplace Policy

It is the policy of the City of Maumelle to maintain a work environment free from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and free from the use, possession and effect of alcoholic beverages.

This policy is inserted in accordance with:

Ordinance #118 (Attachment A);
Ordinance No. 269 (Attachment B); and
The Omnibus Transportation Employee Testing Act of 1991 for Safety Sensitive Employees (Attachment C)

Any employee convicted (a finding of guilt, including a plea of guilty or nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes) of violating criminal statutes pertaining to controlled substances or alcohol, regardless of time or location, must immediately (no later than five [5] days following the conviction) report the conviction to their supervisor. Failure to report the conviction is ground for immediate termination.

All employees using a prescription or non-prescription drug which may in any way effect their job performance must promptly notify, in writing, their supervisor as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability.

Employees who may have caused or contributed to an accident must be tested for the presence of illegal drugs or alcohol (at the City's expense) after receiving necessary medical attention.

Nepotism (Employment of Relatives)

Members of an immediate family may not be employed in positions with the City that would place one family member under the direct supervision of another immediate family member. Also, immediate family members of City Alderman will not be hired for positions within the City without prior City Council notification.

Immediate family members include spouse, children, parents, in-laws, brothers and sisters, grandparents, grandchildren or any relative living in the same household with a City Alderman or City employee. Employment regarding family members shall also be in accordance with Resolution 89-27. (See Appendix D)

Reappointment and Reinstatement

A non-probationary employee with a good record who has resigned or been approved for a leave of absence may be reinstated, without qualifying in a competitive examination within a year of the date of resignation or leave. Depending on positions available, the

person may be placed in the same rank vacated or a lesser rank position by the same department from which they resigned or took a leave of absence.

The Chief of Police or Fire, as appropriate, must submit in writing a request to the Director of Human Resources for recording and forwarding to the Civil Service Commission. The request must contain the name, title, salary, grade, date of separation, and the date of proposed reinstatement for the former employee and the reason for the vacancy that the reinstatement will fill.

The employee may not assume their duties until the Director of Human Resources has submitted the information in the above paragraph to the Civil Service Commission for approval and it is recorded in the minutes of their meeting.
Pay and benefits retention are not provided for in these rules. Placement on the pay scale and benefits from prior service will be in accordance with established City policy.

If any changes in qualification(s) occur during the period of absence, the person must satisfy these new conditions prior to being considered for reinstatement.

The person requesting reinstatement shall have the eligibility listed above for a period of one (1) year from date of request. At the end of the one (1) year period, all rights under these provisions shall cease.

This rule does not pertain to employees on Military Leave.

Promotions

It is the policy of the City of Maumelle to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to take advantage of these opportunities by qualifying themselves for advancement through further education and study, and by a high level of job performance, service, interest and loyalty.

Uniform personnel should refer to the City of Maumelle Civil Service Rules and Regulations for specific information regarding the promotional process.

Transfers

No uniformed employee of the Departments of Police and Fire shall be transferred from one department (e.g., firefighter), to another (e.g., police officer). Any uniformed employee wanting to change departments must apply and go through the examination process.

Demotions

A demotion occurs when an employee is placed in another position which carries a lower job classification, has less responsibility than the previous position, or has lower minimum qualifications than the previous position. Employees experiencing a demotion will have their salaries adjusted to reflect the appropriate rate of pay for the new position. A demotion can occur for disciplinary reasons, as a result of the overall financial resources as provided in the approved budget of the City, for failure to satisfactorily meet job performance criteria, or when a job position is eliminated.

Please consult the rules published by the Maumelle Civil Service Commission for additional information regarding demotions.

Separation

1. Voluntary Separation

Employees voluntary terminating (resigning to accept another job/relocating/etc.) their employment are asked to provide their Supervisor and their Chief with at least two (2) weeks written notice. Retiring employees are asked to notify their Supervisor and Chief, in writing, at least two (2) months before date of separation. The purpose of the two (2) months notice is to allow sufficient time for the processing of the employee's benefits forms and to permit the City to seek a suitable replacement.

2. Involuntary Separation

Involuntary separations (terminations/involuntary resignations, etc.) decisions shall be made by the Chief of the appropriate department.

Uniform employees are covered by the City's Civil Service Rules and as such have the right to appeal a termination to the Maumelle Civil Service Commission, please consult the rules published by the Maumelle Civil Service Commission.

3. Return of Property

Upon termination of employment, the employee shall return all City property in their possession to their Supervisor or Chief.

INTRODUCTORY PERIOD

Evaluation

Supervisors shall use the introductory period to closely observe and evaluate the work of newly appointed employees and to encourage their effectual adjustment to their new position with the City.

All newly hired uniform employees shall serve a twelve (12) month Introductory Period.

A promoted uniform employee will serve a six (6) month introductory period in the new position. The respective Chief may, during the introductory period, reduce the selected employee to their previously held rank by written notice.

Vacation and Sick Leave During the Introductory Period

Vacation and sick leave for regular full-time positions are accrued during the Introductory Period but, vacation and sick leave can only be taken after completion of the first half of the Introductory Period, six (6) months. Under extremely rare situations the Chief, after consultation with the Director of Human Resources, may grant an exception to this policy for an employee.

Promotion and Transfer during the Introductory Period

Promotion or transfer of uniform employees will not take place during their Introductory Period.

Following successful completion of the Introductory Period, employees may request consideration for open positions through the City of Maumelle Civil Service Commission promotional process. It is the intention of the City of Maumelle and the City of Maumelle Civil Service Commission to make promotional opportunities available to its employees whenever it is in the best interest of the City and the individual.

The City of Maumelle's Civil Service Commission Rules and Regulations prohibit the transfer of uniformed employees of the fire and police departments from one department to another (that is, fire to police and vice versa). Any uniform employee wanting to change departments must apply and go through the examination process.

EMPLOYMENT WITH THE CITY

Hours of Operation

Work hours are set by individual departments.

a. Normal business hours for City Hall are 8:00am to 5:00pm Monday through Friday.

b. The Department of Public Works hours are 7:00am to 4:00pm Monday through Friday.

c. The Maumelle Senior Wellness Center operating hours are 8:00am until 6:30pm Monday through Friday

d. The Department of Human Resources hours are Monday through Friday from 7:00am to 5:00pm.

e. The Police Department, Fire Department, and Department of Parks and Recreation administrative staffs will be scheduled to cover the normal working day as established by the respective Chiefs and Department Heads. All other personnel will be scheduled as needed.

Notice of Illness

Employees are encouraged to call in before work hours begin if they are unable to come to work or will be late for work; however, the employee must call in to his or her Supervisor within one-half hour (1/2) after work time starts, giving the reason for their absence.

NOTE: The employee must call and speak to their Supervisor or Department Head or the Department Head's designee. Failure to call in, or calling in late, may constitute an absence without leave. Failure to call in for two (2) consecutive days will amount to job abandonment and will be grounds for immediate termination

Pay Periods

Employees are paid on a bi-weekly basis (every other Friday). If a holiday falls on pay Friday the preceding work day will serve as the pay day.

Timekeeping

The City maintains accurate time records in order to calculate employee pay and benefits. All non-exempt employees are required to follow City rules regarding timekeeping. Unless otherwise notified, each employee must record their hours of work for the City on forms provided by the City for this purpose.

Any changes or corrections to the time card or record must be initialed by the employee, their Supervisor, and their Chief. Under no circumstances may any employee enter time on another employee's time card or falsify their own or another employee's record. Altering, falsifying or tampering with time records will result in disciplinary action, up to and including termination.

Absent prior approval from management, employees are not permitted to voluntarily begin work before their scheduled starting time or remain after their scheduled ending time. Employees will not be paid for voluntarily arriving at the place of work before their scheduled starting time or remaining after their shift. No overtime, no matter how slight, may be worked without prior management approval.

PAID LEAVE

Bereavement Leave

Bereavement leave allows an employee up to three (3) days in the event of a death in the immediate family "In-State" and five (5) days "Out-of-State". Immediate family includes spouse, children, parents, in-laws, brothers and sisters, grandparents, grandchildren or any relative living in the same household. Should the employee require additional time off, other leave provisions, vacation, or leave without pay will be required.

Catastrophic Leave Bank Program

Purpose

The purpose of the Catastrophic Leave Bank (CLB) program is to provide an additional source of leave benefits for all eligible participating employees who have exhausted all of their available sick and vacation leave.

Catastrophic Leave Defined

Catastrophic Leave shall mean leave required for treatment of a non-job injury or illness to the participating employee which exceeds two (2) weeks in duration as certified by a doctor of medicine. In no event shall catastrophic leave exceed the earliest period of the elimination period for the City's long term disability or approval of disability benefits

to which the employee is entitled, regardless of source, or a return to work order from a medical doctor.

Catastrophic leave is provided for the care and assistance of an eligible employee, only. (See attachment E for details)

Comp Time and Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Employees will be expected to work overtime when necessary to meet City's demands. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Department Head's prior authorization**. No overtime, no matter how slight, may be worked without prior management approval.** Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Overtime compensation is based on actual hours worked, which excludes holiday, vacation, sick, personal, compensatory or any other non-worked hours.

Exception: If a Chief has made an agreement to allow certain hours to be paid at time and a half, regardless of hours worked, the agreement will be honored.

All non-exempt employees, as established by the Fair Labor Standards Act, will be compensated for all hours worked over their normal scheduled work period.

Compensatory time may be provided as overtime pay in lieu of monetary payment at the discretion of the Department Head. Compensatory time is accruable at the rate of time-and-a-half (1½) for each hour of overtime worked. Uniformed employees will not be permitted to accumulate more 80 hours of comp time at any time during the calendar year nor will they be allowed to carry over more than 48 hours.

Court and Jury Leave

Uniformed employees, while not serving in their official capacity, who serve as witness or juror shall be entitled to regular City compensation in addition to any fees paid by the court for such services and necessary appearances in court. Also, the absence(s) from work shall not be counted as annual leave.

Court Appearances

Uniform officers acting in their official capacity will be paid time and one-half (1½) for each court appearance with a minimum of three (3) hours.

Emergency Leave

Leave granted for personal or family emergency arising out of a sudden, urgent, usually unexpected occurrence or occasion requiring the employee's immediate presence.
Leave may be paid, utilizing employee's vacation, personal, and sick leave balances, or unpaid. Emergency leave requires the approval of the Department Head.

Family Medical Leave

It is the policy of the City to comply with the Family Medical Leave Act of 1993. For complete explanation of benefits and eligibility see Attachment D.

Holidays

Holidays are paid days off. Recognized Holidays are:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans' Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Eve
11. Christmas Day

Arkansas Statutes 14-52-105 and 14-53-106 require all law enforcement officers and all firefighters, respectively, to be "…compensated for all legal holidays established by the governing body of the municipality." The City of Maumelle will pay one (1) lump sum annually on a date in December; date will be determined by the City.

Maternity/Paternity Leave

The City of Maumelle views a request for leave due to a pregnancy as any other leave associated with a non-pregnancy related reason. Requesting employees should take advantage of the benefits provided by the Family Leave and Medical Act and by utilizing any accrued sick or vacation leave and unused compensatory or personal leave.

Spouses may also use sick, vacation, compensatory, and personal leave for the purpose of assisting and bonding with their new child. Spouses may take up to ten (10) working days for this purpose.

Paternity leave must be taken in whole day increments and must be scheduled and used during the period that covers the first six (6) weeks after childbirth.

Military Leave

A military leave of absence without pay will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. Advance notice of military service is required, unless military

necessity prevents such notice or it is otherwise impossible or unreasonable. Contact the Director of Human Resources for more information or questions about military leave.

Personal Leave

Each full-time employee will receive three (3) shifts per year of personal use. The three (3) shifts will be calculated as hours in the employees normal work day.

Personal Leave will be granted at the beginning of the calendar year and pro rated for employees who are employed during the year. (January-March = 3 shifts; April-May = 2 shifts; July-September = 1 shift; October-December = 0 shifts) Personal Leave hours do not carry over at the end of the year and upon separation from City employment, employees will not be paid for any unused Personal Leave.

Personal Leave may be used for whatever the employee chooses; it is not linked to any other leave the City provides. However, Personal Leave may be used in combination with other forms of leave the City provides.

Personal Leave must be scheduled and approved.

Sick Leave

Ordinance Number 646 states, in part," …the City of Maumelle shall provide sick leave for all uniformed employees of the fire department to accumulate at a rate of fifteen (15) twenty-four hour working dates per year beginning with the date of employment and decreasing to twelve (12) twenty-four-hour working days beginning four (4) years after employment.

Unused sick leave shall accumulate to all uniformed employees of the fire department under this section to a maximum of one hundred (100) twenty-four-hour working days…"

Ordinance Number 648 states, in part, "…The City of Maumelle shall provide sick leave for all Police Officers of the Maumelle Police Department to accumulate at a rate of fifteen (15) twelve hour working days per year beginning with the date of employment.

Unused sick leave shall accumulate to uniformed employees of the Police Department under this section to a maximum of one hundred (100) twelve hour working days…"

A Chief may request a Doctor's notice for any absence for which the employee is requesting sick leave. Sick time used longer than 5 (five) days will be charged against the Family Medical Leave Act, the FMLA forms must be completed by the attending Physician (forms may be obtained from the HR office or by downloading the forms from the Human Resource website). In the event an employee sickness goes beyond 3 months, the Department will notify Human Resources and the employee will be placed on either a 42 (Police) or 53 (Fire) hour workweek for sick pay calculations and will continue until either their leave bank is depleted or the employee reaches the six month window.

Employees may use sick leave to care for members of their immediate family. (Immediate family members include spouse, children, parents, in-laws, brothers and sisters, grandparents, grandchildren or any relative living in their household.)

Upon retirement from the City of Maumelle, excluding medical, termination, or involuntary resignation, the employee will receive pay up to 480 hours of sick leave on record at the time of retirement. Fire and Police uniform personnel are governed by LOPFI retirement policies and procedures. LOPFI's current policies and procedures state, "… Eligibility for retirement depends on both the Member's age and/or the number of years of credited service. A Member may apply for **Normal Retirement** by meeting one of the following requirements:

Any age with 28 years of credited service, or
At least age 55 and has at least 20 years of credited service, or
At least age 60 and has at least 5 years of credited service.

A provision for **Early Retirement** is available when a Member has at least 20 years of credited service and is at least age 50, but younger than age 55. In other words, with 20 or more years of credited service, a Member may retire as early as age 50; however, the Member's benefit will be permanently reduced…"[1] These governing policies and procedures are subject to change by legislative enactments; therefore, covered personnel should always contact LOPFI prior to taking retirement actions.

Employees should complete six (6) months of employment before taking sick leave. However, occasions may arise when a probationary employee is faced with catastrophic conditions. If this occurs, the Department Head, after consultation with the Director of Human Resources, may authorize the sick leave request.

Sick leave is not an automatic benefit. Sick Leave is intended to be used by employees when they are unable to perform their duties due to an illness to themselves or member(s) of their immediate family.

Vacation

For regular full-time personnel, vacation is granted as follows:

<u>FIREFIGHTERS:</u>

Up to 3 years of service	7 shifts (6.46 hours per pay period)
3 years to 10 years of service	8 shifts (7.38 hours per pay period)
10 years to 15 years of service	9 shifts (8.31 hours per pay period)
15 years to 20 years of service	10 shifts (9.23 hours per pay period)
20 years of service and over	11 shifts (10.15 hours per pay period)

Firefighters may not carry over from one year to the next more than 192 hours. Also, employees cannot schedule vacation around more than two (2) holidays in any calendar year and employees normally will not be allowed to take more than two (2) weeks of vacation leave in the last quarter of any calendar year.

[1] LOPFI Handbook 2009, pages 8-9.

POLICE:

Up to 3 years of service	10 shifts (4.62 hours per pay period)
3 years to 10 years of service	12 shifts (5.54 hours per pay period)
10 years to 15 years of service	13 shifts (6.00 hours per pay period)
15 years to 20 years of service	14 shifts (6.46 hours per pay period)
20 years of service and over	15 shifts (6.92 hours per pay period)

Police Officers may not carry over from one year to the next more than 144 hours. Also, employees cannot schedule vacation around more than two (2) holidays in any calendar year and employees normally will not be allowed to take more than two (2) weeks of vacation leave in the last quarter of any calendar year.

NOTE: Firefighters and Police Officers whose carryover limit as of December 31, 2007, was more than 192 hours and 144 hours, respectively, will be permitted to retain their carryover limit of record as of the December 31, 2007. Firefighters and Police Officers whose carryover limit as of December 31, 2007, was less than 192 hours and 144 hours, respectively, will be governed by the new carryover limit.

All vacation shall be evaluated by the appropriate Chief who will approve or deny the request based on the needs of the Department and the City at the time of the request.

Employees should request vacation days from their Supervisors at least 30 days in advance. Vacation days will be granted on a first-come, first-serve basis as the department work schedule permits. If an employee is taking only one or two days of vacation, one week's notice is sufficient. In emergency situations, vacations days may be approved by the Department Head. All vacation requests must be submitted in writing on an "Employee Leave Request" form which may be obtained from the HR office or downloaded from the HR website.

Upon separation from City employment, employees will be paid for all unused vacation.

1. Vacation-Buy Back

The City encourages all of its employees to use all of their accumulated vacation. However, situations may occur that can affect the amount of time an employee will have for vacation usage. The City will, on a case by case basis, consider buying excessive vacation (more than one year's accumulation) on an hour-for-hour basis. The City will consider such things as the time of year, City's economic condition, Department Budget, employee job performance, etc. as factors in determining whether or not to buy back vacation. The City will not buy back vacation from any individual who is about to lose or is going to lose vacation because they are in excess of allotted vacation carry-over.

The decision on vacation buy-back is at the discretion of the Mayor only.

GENERAL POLICIES GOVERNING EMPLOYMENT

Business and Casual Attire Policy

Workplace attire must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. Uniforms may be required for certain positions and will be provided to employees by the City of Maumelle. Any questions about the City's guidelines for attire should be directed to Human Resources.

Guidelines

Employees are expected to at all times present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Maumelle.

Certain staff may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of their job.

At its discretion, a department may, during summer months or during special occasions, allow staff to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance.

Examples of Unacceptable Attire

- Any clothing that is worn, torn, frayed has patches or holes
- Sweat clothing or workout attire such as sweat shirt, sweat pants, leotards, and tights
- Bare feet
- Bathing suits
- Bare midriffs
- Extreme mini-skirts
- Halter and bra tops
- Sheer or see-through clothing
- Tank tops, sleeveless or muscle shirts
- Undergarments worn as outer garments or are visible as a matter of routine (AKA *"sagging")*
- T-Shirts with inappropriate logos

Any staff member who does not meet the standards will be required to take corrective action, which may include leaving the premises to change clothing. Personnel required to change their attire must leave the premises and will not be compensated for any work time missed as a result of their non-compliance.

Human Resources should be consulted if there are questions about the City's guidelines.

Cell Phone Policy

City cell phones are distributed to employees at the discretion of the Department Head. The cell phone is intended to be used to conduct City business only.

Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or ordinance.

Employees in possession of company cellular phones are required to take appropriate precautions to prevent theft and vandalism.

The City takes very seriously the use and misuse of City provided cell phones. Chiefs are responsible for monitoring the usage of the cell phones and taking appropriate action when violations are discovered. In addition, all cell phone usage may be subject to discovery or disclosure under the Arkansas Freedom of Information Act.

1. Personal Cell Phone

It is understandable that employees may need to handle personal business and the use of a personal cell phone may be the best way for the employee to do this. However, time spent on the personal cell phone should be strictly limited. Use of personal cell phones during work hours may be restricted by Department Heads based on the needs of the Department.

Excessive use of personal cell phones can result in disciplinary action up to and including termination.

Children/Dependents In The Workplace

Under regular conditions, children/dependents are not allowed to be in the workplace other than for an occasional short visit, in and out. However, the City understands that emergency situations arise when an employee must take care of a child/dependent and must also be at work. However, if the care time needed is more than two (2) hours the employee may use their vacation, sick, or personal leave and not bring the child/dependent to work; this is the preferred choice of the City.

When an employee has no other option to care for the child/dependent than to bring the child/dependent to the work place, the employee must see that the child/dependent is appropriately supervised and cannot disrupt the operation of the Department. Additionally, any damage to any property or equipment by the employee's child/dependent will be the responsibility of the employee.

Under no circumstances may a sick child/dependent be brought into the workplace.

The City accepts no responsibility for the safety of the employee's child/dependent when at the work site.

City Owned Property Use Policy

City owned property is defined as equipment, supplies, land and facilities obtained by the City of Maumelle by purchase, gift, donation, grant or other means as provided by city, state and federal law.

By State statute, it is unlawful for any official or employee of a city to accept any article or service from a municipal corporation without paying for it at the same rate as the general public pays. The purpose of this policy is to state and clarify the City's position on the personal use of City owned property.
The City of Maumelle prohibits the personal use of City owned property by City employees, officials or the general public.

The City of Maumelle does provide services to the residents and the general public in which fees are charged. Any City employee or official obtaining any of those services may be subject to the same fees as charged to the general public.

City employees and officials are prohibited from charging personal long distance telephone calls to the City of Maumelle.

City Owned Vehicle Use Policy

The use of City-owned vehicles for private use or gain is prohibited. The employees of the City of Maumelle must clearly understand that abuse of City-owned vehicles could be grounds for serious disciplinary action, including and up to termination.

If you are assigned or use a City-owned vehicle observe the following:

- No city-owned vehicle shall be used for personal errands.

- All city-owned vehicles are to have permanent signs or decals affixed to door or suitable location, except for certain police vehicles.

- During vacations, illnesses, or any other prolonged absence from work or office, all city-owned vehicles are to be placed under control of the appropriate City office.

- No travel is authorized outside the city limits of Maumelle for other than official city business. **Exception**: City vehicles assigned to supervisors or employees, who are subject to call during off-duty hours, may drive the vehicle to and from work after receiving approval from their Department Head.

NOTE: Exceptions to this policy may only be made by the Mayor.

E-mail Policy

The City of Maumelle may provide e-mail access to employees for the use in connection with their job duties. The City of Maumelle expressly prohibits the use of

any city owned or provided account for illegal or obscene purposes. Further, the City of Maumelle expressly reserves the right to monitor and/or examine any and all computers and/or accounts provided by the City. Employees should not presume they have any expectation of privacy. Moreover, employees are expressly advised that any e-mail sent or received by them on a city owned or provided account may be subject to discovery or disclosure under the Arkansas Freedom of Information Act.

Inclement Weather Policy and Procedures

The general policy regarding inclement weather is that the City Government does not normally close due to inclement weather. The City attempts to balance its obligation to provide services to the citizens of Maumelle with safety to its employees. The following guidelines are established to meet the needs of Maumelle citizens and Maumelle employees.

1. In the event of inclement weather, the Mayor or designee will determine whether City offices will be closed for the day or employees may report to work on a delayed basis. (See below) Employees should call 501-851-2500 ext 222 to hear a recorded message from the Mayor or/designee regarding closing of offices. Every effort will be made to have the message posted by 6:00am.

2. If the Mayor authorizes a delayed opening, uniform employees will have a "reasonable time" to report to their work stations without a penalty being imposed. Check with your supervisor or Chief for what is considered a "reasonable time". Employee's arriving after the established "reasonable time" will be charged the full amount of time involved in the tardiness, and employees not coming to work at all will be charged a full day's absence. Employees may use personal leave or accrued vacation time to substitute for the scheduled work time. Sick time cannot be used for this purpose unless previously approved by the Department Head.

3. When inclement weather occurs during office hours, the Mayor or designee will notify the Department Directors to allow employees to leave early. Employees who were on the job, and who were allowed to leave early will not be charged leave for this time.

4. Chiefs shall designate personnel who will be required to reach their work stations by the time of regular office opening regardless of weather related conditions to assure that critical services to the citizens are provided.

All Department Directors shall develop and implement additional policies and procedures which are consistent with the policies and procedures as stated herein to cover departmental operations during periods of inclement weather.

Intranet/Internet Policy

The City encourages growth and expertise on the use of Intranet/Internet. It is a valuable tool in the modern office, and brings with it a wealth of information. At the same time, we must be careful not to abuse this resourceful tool. The purpose of this

policy is to clarify and state the use of Intranet and Internet services within the City of Maumelle.

The City may provide to you the means of accessing the City's Intranet and the Internet through a computer "system." The City of Maumelle's system, consisting of computers, file servers, Ethernet routers and wires, wireless facilities, software operating systems and programs, and any other component necessary for or used for access to the intranet/internet and all other computer functions, is the City's property and should be used with the same respect and care as any other office system.

Employees should only disclose information or messages from the system to authorized persons. Information is limited to those individuals with a "need to know".

Access to Internet/Intranet services is paid for and used on publicly owned equipment. The City of Maumelle reserves the right to monitor the system to ensure that it is being used for acceptable purposes. To ensure that the organization's policies are being followed, management may from time to time access and/or conduct a random review of usage history.

The Intranet/Internet should never be used for subject matter that is inappropriate, such as sexually explicit materials, communications which could be construed as harassing or discriminatory statements. The City of Maumelle will not tolerate the creation of a hostile work environment and any attempt to create such an environment will be met with discipline up to and including termination.

Employees do not have a personal privacy right in any matter created, received, stored in, or sent from the City of Maumelle's system, including any computer or other connective device used by an employee to connect to the City's system.

All messages and downloads saved will result in a reduction of available disc space. The more data stored, the slower the system will run. Make sure that you do not store too many, or too large a file. Periodic deletions on a monthly basis are required.

The City of Maumelle recognizes that its computers, cell phones, and land line phones may be used for personal business from time to time. Minimal use of these devices for personal business is acceptable, but this privilege should not be abused. The City expects its employees to conduct themselves in a manner consistent with the expectation of the citizens of Maumelle that City equipment will be used for City business. Any excessive use of City computers, cell phones and land line phones shall result in disciplinary action up to and including termination."

Facebook and other Social Media Sites

Posting information to a website or social media site that may bear your name does not exclude such from application of City policies for use of the internet. Among other considerations, employees should always consider the following when posting messages on social networks using City owned property:

1. When you utilize City owned property or post from a location owned by the City, you have no expectation of privacy. The same principles that apply to internet use apply to use of or postings on social media sites;
2. Do not post anything on behalf of the City of Maumelle or any department without express permission by the department head responsible for the particular site/page.
3. Public record laws don't change because you place said records on social media sites; and
4. As an employee using social media sites, you are creating public records, even when you are discussing or posting about things you may believe to be private.

Bottom line - you should not be fooled into thinking you can post anything you want on social media sites without consequences.

Tobacco Use Policy

The City of Maumelle has a responsibility to provide a working environment that is healthy and productive for all employees.

In recognition of the evidence that smoking and tobacco products pose a health risk to the non-user as well as the user, the City has expanded its restrictions on workplace smoking and use of tobacco products to prohibit use in the interiors of all City buildings and vehicles. Smoking or tobacco use is not allowed within a fifteen-foot perimeter of any entryway of City buildings or structures.

No smoking is allowed in City vehicles.

OTHER BENEFITS

Education

The City of Maumelle encourages City employees to continue their education while in City employment. A $4,000 lifetime amount, per employee, shall be made available for all full-time employees to use for career, job-related development through formal education. Formal education shall mean college level or specific vo-tech approved courses. The City will reimburse one-half (1/2) of the tuition not to exceed $1,000 per individual in any one calendar year. **Approval must be obtained from the appropriate Chief and the Mayor prior to enrollment.**

Education benefits will only be reimbursed to employees after they have submitted to the appropriate City official, proof of completion of the course and only if a grade of "C" or better was achieved.

Uniform employees will be paid by the City for obtaining advance degrees in a job related field in the amount of:

- $50.00 per month for an Associates Degree
- $100.00 per month for a Bachelors Degree

Uniform employees will also be paid for obtaining the following certificates:

- $20.00 per month for a General Certificate
- $50.00 per month for an Intermediate Certificate
- $75.00 per month for an Advance Certificate
- $100.00 per month for a Senior Certificate

These payments will be reflected on the check that the employee receives the second (2nd) pay period each month.

NOTE: Employees are only paid for the highest degree and/or certificate achieved by the employee.

Insurance

The City provides Health, Dental, and Life Insurance protection for full-time employees. Employee may be required to pay a portion of the premium depending on the plan options selected.

The City makes every effort to provide best possible coverage for its employees while being mindful of its fiscal responsibility to citizens of Maumelle. Therefore, the City retains the right to change insurance carriers or make alterations in the plan if, in the City's opinion, conditions warrant.

Also, the City makes available to its employees voluntary supplemental insurance and other programs that may be covered under the City's Cafeteria (Section 125) Plan.

Contact Human Resources for additional information on these programs as well as any questions that may arise regarding the City sponsored programs.

1. Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Company's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Longevity Pay

Longevity pay for uniform officers and firefighters is $5.50 per month of eligible service during the current calendar year.

Eligibility and Payments: Personnel must have served a minimum of one (1) year as a uniformed officer or firefighter with the Maumelle Police or Fire Department. Eligible employees will receive their payments in July and December.
Recently eligible employees' first payment will reflect retro pay back to their original hire date as a uniform officer or firefighter with the City of Maumelle.

> **Example** - Mary firefighter was hired February 1, 2010; therefore, she would be eligible for Longevity Pay on February 1, 2011. Her first check will be in June of 2011, in the amount of $93.50 (17 months [February-June] at $5.50/month)

Professional and Civic Membership Dues

The City of Maumelle encourages its employees to become involved in job related professional organizations. The City will pay the annual dues when submitted as an approved invoice.

Safety

The City of Maumelle encourages safety in every aspect of all City functions. Unsafe or improper operation or use of equipment is grounds for dismissal. Supervisors are to keep the safety of the employee in mind in getting jobs done. Equipment should be maintained to such an extent that it will not be unsafe to operate, and its safe use is maximized.

1. Seat Belt Restraints - Effective January 1, 1991, it became mandatory for driver and passengers of motor vehicles owned by the City of Maumelle to wear seat belt restraints.

2. Eye and Ear Protection - It is mandatory when working with certain equipment, weed eaters, chain saws, grinders, power tools, etc., that proper eye and ear protection be worn. If these protections are not provided see your supervisor immediately.

3. Hard Hats - Hard hats must worn by City employees in areas designated for hard hats; if hard hats are not provided do not enter the area and contact your supervisor.

Each Department Head is required to keep an ongoing policy for safety in his or her respective department.

Safety concerns of employees should be voiced or submitted in writing to Supervisors or Department Heads for their attention. Safety equipment should be used where appropriate to increase safety conditions.

Failure to use assigned safety equipment or failure to obey all safety rules, regulations or procedures may lead to disciplinary action up to and including termination.

Social Security and Other Retirement Benefits

Police Department and Fire Department uniformed employees are covered by the Arkansas Local Police and Fire Retirement System (LOPFI). The cost of these benefits is shared by the employee and the City in accordance with state and federal law. The City does not withhold or match Social Security contributions for Police or Firefighters; but, the City does withhold six percent of the employee's pay as a contribution to LOPFI and makes an additional contribution as mandated by state laws. All employees are covered by Medicare/Medicaid and are subject to the federal Medicare/Medicaid withholding and contribution laws.

Uniforms

Police Department and Fire Department uniformed employees will be allocated $1,000.00 per year for their uniforms. The first half of the allowance will be issued in January, in a separate check, and the second half will be issued in July, also, in a separate check.

Uniform up-keep will be the responsibility of the employee.

Workers' Compensation

The City of Maumelle provides Workers' Compensation protection for any of its employees who sustain a work related injury. Employees who incur an on the job injury should notify their supervisor immediately. Upon notification of the injury the supervisor should make arrangements for appropriate medical attention. It is essential that Workers' Comp claim forms are completed and forwarded to Human Resources within twenty-four (24) hours of supervisor's notice of injury by the employee. The forms are to be completed and forwarded to Human Resources even if medical assistance is not required.

Employees who sustain an injury covered by Workers' Compensation and cannot perform their normal job duties, but can perform other functions on a limited basis (light duty) will be required, upon release from their Doctor/Physician, to report to work and perform other duties as may be assigned. The Chief will determine if an accommodation can be made for the employee that is in accordance with the Physicians instructions.

Injured employees may use sick and annual leave as a coordinated benefit to maintain compensation equal to their regular pay, excluding overtime.

Pay during this time period will be calculated as follows:

1. For the first seven Work Days the employee is off work due to a work related injury, 100% of the employee's pay will be provided by the City of Maumelle.

2. After the first seven day period, Workers' Compensation will issue checks for 66 2/3% of regular employee's salary while off work due to injury.

In order for an employee to qualify for Workers' Compensation, the employee, unless rendered physically or mentally unable by the injury, must:

1. Report the injury to his/her supervisor immediately after it occurs, if possible, otherwise, no later than the end of the work shift;

2. Immediately receive treatment at an Emergency Room or the employer's doctor; and (3) Report the injury on an approved form to the Department Head or Human Resources within 72 hours after the accident or injury.

Employees are requested to submit the form within 24 hours of the injury or accident. In the event the employee receives emergency medical treatment outside normal business hours, the employee shall complete the necessary forms and submit to the Department Head on the next regular business day.

The Department Head or direct supervisor must review for completeness of forms and sign off on the forms before submitting to Human Resources.

The City of Maumelle shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's report of injury unless the employee is physically or mentally unable to complete the report.

The City may require medical examinations for an injured employee at its own discretion and expense.

EMPLOYEE CODE OF CONDUCT

The appearance and conduct of City employees reflect on the image of the City. Employees must therefore perform their duties efficiently, courteously, and to the best of their ability. When an employee's supervisor points out areas needing improvement, the employee must make every effort to conform to the required level of performance.

Personal Interests

No employee of the City Government, except as specifically set out in the City Charter, or except when serving as a private citizen in the capacity of an appointed member of a City board, agency, commission or committee, shall hold any personal interest, financial or otherwise, in any private enterprise conducting business with the City of Maumelle.

1. Garnishments and/or Liens

A wage garnishment is any legal or equitable procedure through which some portion of a person's earnings is required to be withheld by an employer for the payment of a debt. Most garnishments are made by court order. Other types of legal or equitable procedures include IRS or state tax collection agency levies for unpaid taxes and federal agency administrative garnishments for non-tax debts owed the federal government.

The Consumer Credit Protection Act prohibits an employer from firing an employee whose earnings are subject to garnishment for any one debt, regardless of the number of levies made or proceedings brought to collect that debt, because of the single

garnishment. The Act does not prohibit discharge because an employee's earnings are separately garnished for two or more debts; therefore, an employee may be subject to disciplinary action in accordance with City policy regarding “Employee Conduct”.

2. Gratuities

No rewards, gifts or other forms of remuneration that has a cash value, other than regular compensation, are to be received from any source by any employee for the performance of their official duties.

3. Obstruction of Rights

No employee of the City Government shall consciously and by overt act deprive any person of any rights to which such person is entitled under any law, ordinance, rule or regulation of the City Government.

4. Outside Employment

City of Maumelle employees may have outside employment if it does not interfere with their work for the City. The employee must consider the City as their primary employer. An employee must obtain approval in writing from his or her Department Head before obtaining an outside position. An employee injured during outside employment will not normally receive City Workers' Compensation benefits. Employees may not use City equipment for personal gain such as outside employment could present.

When outside employment interferes with the proper and effective performance of an employee’s job, such outside employment shall be considered impairment to efficiency, therefore, outside employment must be discontinued. In addition, no outside employment will be approved if there is a possibility that an employee will authorize or review work while on their City job that pertains to the additional employment. Such outside employment shall be considered as a conflict of interest.

Also, no outside employment will be approved if the nature of that activity is such that it adversely affects the image of the City or may be construed by the public that the employee is acting in an official capacity on behalf of the City. Such outside employment shall be considered as having an adverse impact on the City.
Authorization to work in outside employment activities will be withdrawn if any of the above conditions are found to exist.

5. Participation in Political Campaigns

No person in any department affected hereby shall be appointed, reduced, suspended or discharged, or otherwise discriminated against, because of their political opinion or affiliation.

The basis of this policy relative to employee participation in political campaigns stems from the concept of non-partisanship in the Mayoral form of government. To remain objective, the on-duty functioning of employees should not be identified with any particular candidate. Active support of certain local candidates could create awkward

working relationships after the election. Consequently, the following guidelines shall be adhered to:

a. No City employee shall campaign during working hours for any candidate at a federal, state or local level.
b. After working hours, employees are free to campaign and support candidates in federal, state and local campaigns. This specifically includes displaying yard signs at the employee's home and/or placing bumper stickers on the employee's personal vehicle.

c. Candidates for federal, state, and local office shall be discouraged from campaigning in City offices during work hours. However, candidates may greet employees outside various City buildings, on their way to and from work for the purpose of distributing campaign literature.

d. Employees are discouraged from wearing campaign buttons for candidates for federal and state offices during working hours. Employees shall be prohibited from wearing or displaying any local City candidate's logo or button during office hours.

6. Solicitation

No employee of the City of Maumelle shall directly or indirectly solicit any money, service favor, or any other valuable consideration for carrying out his/her duties as an employee of the City of Maumelle.

DISCIPLINE

Uniform employees are governed by the Civil Service Commission's disciplinary procedures. Please refer to the City of Maumelle Civil Service Commission's Rules and Regulations.

EMPLOYEE TRAVEL AND EXPENSE REIMBURSEMENT POLICY

Employee Travel

Full-time employees of the City of Maumelle are encouraged to attend meetings and seminars that pertain to their jobs. Travel funds have been set aside in most departmental budgets to cover the costs of these meetings and seminars. Scheduling of both the meeting or seminar and the arranging of individual time schedules must be done with the approval of the Department Head. The City has established two separate forms for use in the process. The first form is title "Travel Request Form" and the second is titled "Travel Reimbursement Form". Both forms must be completed for all trips. The first form (Travel Request Form) is to be prepared in advance of the date of departure of the trip. This form provides the need and justification for the trip and the approval sequence. It also provides a source for requesting travel advances and any prepayments that might be required, i.e. registration fees, hotel deposits, etc... The second form (Travel Reimbursement Form) must be completed within 14 days following the completion of the trip. Receipts must be kept and attached to the reimbursement

form. Any major difference in cost between what was requested and what was actually spent must be documented or the difference may be denied.

Allowable Travel Expenses

1. Transportation:

    a. Actual cost of airline, bus or train ticket; first class or business travel is not allowable.
    b. Taxi fees are reimbursable at actual cost - try to obtain a receipt from the taxi driver; they will give them upon request.

    c. Rental of vehicles is allowed where required and must be arranged in advance. Mid-sized cars or smaller should be used unless not available.

2. Food

    a. Food will be reimbursed up to the amount on an original receipt or per diem may be requested in advance from the Department Head. The employee must elect whether to request reimbursement for actual expenses or per diem in advance as only one method can be used per trip. (Per Diem is based on the current GSA rates)

    b. Meal costs in excess of the allowed amount are not allowed except with the approval of the Mayor.

Caution: Per Diem will only be granted if:

a. An overnight stay is involved; and
b. Meals are not included as part of the registration fee for the seminar/workshop/conference/etc.

*The per diem requirement of an overnight stay does not apply if an employee elects to request reimbursement for actual expenses.

3. Lodging

    The City expects employees to be prudent and reasonable when incurring expenses for business travel. Employees are expected to use good judgment in selecting hotels and purchasing meals during a City sponsored business trip. Lodging will be reimbursed at actual cost provided the original receipt is included in the request. Meals charged to the room need to be deducted before the reimbursement form is completed because meals are covered separately.

Mileage Reimbursement Employees with Auto Allowance

1. The City will reimburse mileage expenses at the current IRS reimbursement rate for employees receiving an auto allowance provided the following conditions are met:
   a. The distance traveled is outside of the work area radius (30 miles) and
   b. The trip is business related.

Miscellaneous

1. Tips if properly itemized.

2. Parking fees and toll fees if supported by a receipt. Overnight parking at airports should be confined to the long-term parking areas.
3. Other miscellaneous expenses are allowable if properly documented and relevant to the trip.

NOTE: The City will not reimburse for costs that are not directly associated with City business or items such as speeding tickets, parking tickets, liquor, etc.

WAIVER

These policies shall apply to all employees of the City of Maumelle. The City reserves the right to make unilateral revisions from time to time as needed. Employee's suggestions for revisions are welcomed and should be made to the Director of Human Resources, Chief or Mayor. It is understood that every situation which arises will not be covered specifically by the Employee Handbook. Employees are expected to use good judgment and to consult higher level personnel when specific questions arise. This Handbook is a general guide for orienting City employees and is not a contract of employment, implied or expressed. It must be read by each employee, and any changes or amendments shall be distributed to and read by each employee.

Nothing contained herein shall constitute an admission or statement by the City of Maumelle that an employee has any property interest in continued employment with the City of Maumelle. Employees of the City of Maumelle, excluding uniform personnel, are employed at will. Both the employee and the City maintain the right to terminate their employment relationship at any time, for any reason, as long as the termination does not violate any State or Federal Laws.

The City reserves the right to unilaterally modify, delete, and/or add to the Employee Handbook without prior notice to the employees.

DEPARTMENTAL HANDBOOKS

Employees will be given departmental handbooks, where available, by their supervisor or the appropriate person as designated by the department head. Employees are expected to familiarize themselves with the information contained in their Departmental Handbooks and bring any questions/comments/etc. to their supervisor and/or department head.

If there is a conflict between the Employee Handbook and Departmental Handbooks, the Employee Handbook will govern.

DEFINITIONS

The following terms when used in these rules shall have the following meanings unless the context clearly requires otherwise:

ABSENCE - Not present for job assignments at a prescribed time or location.

ABSENCE AUTHORIZED - Absence authorized by appropriate authority.

ABSENCE UNAUTHORIZED - Absence which has not been authorized by appropriate authority.

ABSENCE WITH PAY - Absence for which compensation is authorized by appropriate authority.

ABSENCE WITHOUT PAY - Absence for which compensation is not authorized by proper authority.

ANNIVERSARY DATE – The original full-time hire date with the City of Maumelle; this date does not change due to promotion, transfer, or demotion.

APPOINTING AUTHORITY - Means any City official or groups of officials having power by law or ordinance

APPOINTMENT - Means the designation of a person, by due authority, to become an employee in a position.

APPOINTMENT - EMERGENCY - An appointment required by a state of emergency for not more than 60 days as described in Arkansas State Statutes.

CLASS OR CLASS OF POSITIONS - A definitely recognized kind of employment in the City service designated to embrace all positions sufficiently similar with respect to the duties, authority and responsibilities in which (a) similar requirements as to education, experience, knowledge, and ability are required of incumbents; (b) similar tests of fitness may be used in choosing qualified appointees; and (c) similar compensation is paid.

CLASSIFICATION PLAN - An orderly arrangement and description of types of positions by separate and distinct classes, each class recognized on the basis of similar duties and responsibilities, in the classified service.

CLASS SPECIFICATION - A descriptive and explanatory guide reflecting distinct characteristics of duties and responsibilities normally assigned to positions allocated to the class and the minimum qualifications requisite thereto.

CORPORATE LIMITS - The total area of the City of Maumelle, Arkansas.

DEMOTION - Change of employment to a class and/or position having a lower pay grade; this action may be voluntary or involuntary.

DEPARTMENT - A major functional unit of the City government.

DIRECTOR - The title of the department head - the top position in a department.

DISCHARGE/DISMISSAL - Termination of an employee's employment. (Also see Terminations)

ELIGIBLE - A person whose name has been placed on an employment or promotional list for a given class.

EMPLOYEE - Any person working in the service of the City of Maumelle who is paid a wage.

EMPLOYEE - SUPERVISORY - An individual having authority, in the interest of the City government to perform one or more of the following: hire, transfer, suspend, lay-off, recall, promote, demote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances -- or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. It is the intent that this definition applies to those individuals compensated as supervisory personnel.

EVALUATION - The system for evaluating an employee's performance by his or her supervisor.

EXAMINATION - All the tests of fitness, taken together, that are applied to determine condition of applicants for positions of any such position of employment.

EXAMINATION - COMPETITIVE - An examination in which the candidates are in written and oral competition; also, an eligibility list will be created based on test scores.

EXAMINATION - ENTRANCE – Written examinations that are announced to the public for the purpose of finding qualified applicants for entry level vacancies.

EXAMINATION - ORAL - The examination used in interviews in lieu of or to supplement written examinations.

EXAMINATION - WRITTEN - The pencil and paper type of examination which is given to obtain a written demonstration of an applicant's knowledge.

INTRODUCTION PERIOD - The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate his/her fitness for the position by the actual performance of the duties. For uniformed employees, it is the twelve (12) months immediately following an entrance appointment or the six (6) months immediately following a promotional appointment. All other City employees are six (6) months.

JOB - A group of duties, tasks and responsibilities established by appropriate authority which may be assigned to a position or an employee.

JOB DESCRIPTION - A written document covering a group of duties and responsibilities associated with a job.

LAY-OFF - The removal of an employee from an assigned position due to a lack of funds, lack of work, or elimination of the position as determined by appropriate authority.

LIST - CERTIFICATION - Means the list of names from which the eligible list is sent to an appointing authority for use in filling one or more vacancies.

LIST - ELIGIBLES - A record of the names of those persons who have successfully passed an examination for employment or promotion in a specified class or position, arranged in order of their relative ratings.

LIST - EMPLOYMENT - A list of names of persons arranged in order of merit as provided by these rules, who have been found qualified through suitable original competitive tests and who are entitled to have their names certified to appointing authorities for original appointment under these rules.

LIST - PROMOTIONAL - A list of names of persons arranged in order of merit as provided by these rules, which have been found qualified for promotion to a higher position or positions.

MINIMAL QUALIFICATIONS - The requirements of training and experience and other qualifications, including those to be measured by an appropriate examination, as prescribed in the job specification for the class of position.

PAY STATUS – An employee is in a leave category that requires the City of Maumelle to pay the employee through its (the City's) payroll system. Workers' Compensation does not meet this measure.

PERSONAL APPEARANCE – The manner in which an employee must dress and maintain their personal hygiene.

PERSONNEL FILE - The file which is maintained at the City Human Resources Office, for each employee and consists of such items as applications for employment, records of transfers, promotions, change in pay, performance evaluations, disciplinary actions, etc.

POSITION - A titled, numbered entity authorized by appropriate authority, having assigned to it a specific job, pay grade and an organizational location.

PROMOTION - An assignment of an employee from one position in one classification, to a position in a higher classification.

PUBLIC NOTICE - A written notice placed upon a bulletin board or other prominent place located in a place accessible to the public during business hours.

RANK - The order in which applicants' names appear on a register based on the individual's composite qualifications. Composite qualifications mean written or oral examination scores, interview scores, physical test results, etc.

REINSTATEMENT - The re-employment of a former employee with the rights and benefits provided in these rules for re-employment.

REAPPOINTMENT - The re-employment of a former employee without consideration of former City employment relative to seniority, wages, and benefits.

REGISTER - An officially promulgated list of eligibles for a class or position in the order of their final ratings in merit examination.

RESIDENCE - The actual place of abode of the employee.

RESIGNATION - The separation from the City service at the request of the employee.

SENIORITY - The status of an employee required by continuous service with the government, which may be considered in promotion, lay-off, etc.

SEPARATION - Any type of action whereby an employee is removed from the City payroll.

SUSPENSION - An enforced leave of absence without pay for disciplinary purposes or pending investigation charges.

TERMINAL LEAVE - The leave granted to a retiring employee following his/her last workday and usually consisting of his/her unused vacation time or unused compensatory time.

TERMINATION - The involuntary separation from employment.

TITLE OR CLASS - The designation given to a class, each position allocated to such class, and to the incumbent of any such position. Its meaning is set forth in the corresponding general duties and task statement in the classification plan and it is always to be used and understood in that sense.

TRANSFER - The change of an employee from one position to another position or from one department to another department.

UNIFORM EMPLOYEE - All police officers and firefighters, regardless of rank, of the Maumelle Police Department and Fire Department; excluding, secretarial employees, dispatchers and jailers.

VACANCY - An unoccupied position within the City.

VACATION LEAVE - The leave granted for vacation purposes within each calendar year.

WORKDAY - Any one shift in which a department is open for business or on which an employee is scheduled to work.

WORK PERIOD - The fixed number of consecutive workdays an employee is scheduled to work as determined by the City.

ATTACHMENT A

ORDINANCE NO 118

AN ORDINANCE AMENTING ORDINANCE NO 48
PROVIDING FOR PERSONNEL POLICIES AND CONDITIONS
OF EMPLOYMENT FOR PUBLI C SERVICE EMPLOYEES SO AS
TO ESTABLI SH A DRUG FREE WORKPLACE POLICY

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF MAUMELLE ARKANSAS THAT:

SECTION 1. Ordinance No 48 is amended by adding thereto a Section VIII and by renumbering the existing Section VIII, to Section IX -- the new Section VIII to provide as follows:

SECTION VIII: Drug Free Workplace Policy

(A) It is the policy of the City of Maumelle to maintain a work environment free from the unlawful manufacture distribution, dispensation, possession or use of a controlled substance as defined by the Federal Control Substance Act or similar state statutes and free from the use possession and effect of alcoholic beverages. The City of Maumelle recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks hazards to the public, employee injuries, faulty decision-making, and reduced productivity.
Therefore, the City of Maumelle expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

(1) The unlawful manufacture distribution, dispensation, or the possession or use of a controlled substance or the possession or use of an alcoholic beverage by an employee while on duty or during lunch or after breaks or at any time while the employee is on a City work site or on City working time or at anytime while using a City vehicle or other motorized equipment is absolutely prohibited and constitutes cause for immediate termination of employment

(2) Any employee convicted (a finding of guilt, including a plea of guilty or nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes pertaining to controlled substances or alcohol occurring on or off City property, or on a City work site or on City working time while conducting City business, must immediately (no later than 5 days from the date of the conviction report the convict ion to their supervisor or be subject to disciplinary action up to and including termination of employment. Such conviction may itself also constitute grounds for disciplinary action up to and including termination of employment.

(3) All employees using a prescription or non prescription drug which may in any way affect their job performance must promptly notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and

related physical mental capability. A City Department Head or Supervisor may require a physician's statement if the employee indicates that there is a need to use a prescription or non prescription drug for four days or longer.

(B) Effective August 7, 1989, if a City Department Head or Supervisor has reasonable suspicion that an employee at work or when reporting to work appears to be under the influence of a controlled substance or an alcoholic beverage and therefore, appears to be impaired and unfit for duty the employee will be required to consent to a drug alcohol test. If an employee refuses to consent to an immediate drug alcohol test this shall be grounds for disciplinary action up to and including termination of employment.

(1) Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance or an alcoholic beverage so that the employee s ability to perform the functions of the job is impaired or so that the employee s ability to perform the job safely is reduced.

(2) Observations which constitute a factual basis for determining reasonable suspicion may include but, are not limited to the odor of an alcoholic or intoxicating beverage, erratic behavior, violent mood swings, excessive absenteeism, including tardiness, a medical emergency which could be attributed to substance or alcohol abuse, physical on the job evidence of substance or alcohol abuse, documented deterioration in job performance, apparent lack of motor skills or lack of physical coordination, or an accident which is caused by the apparent act on or inaction of the employee.

(3) The Deportment Head or Supervisor will describe the incident in writing; documenting the circumstances leading to the conclusion that drug/alcohol test is necessary. Such documentation will include the date, place, description of the incident, and statements of any witnesses. Any other evidence such as drugs, drugs paraphernalia, containers, etc. will be collected.

(4) After documenting the incident the Department Head will contact the City Manager or his designated representative to determine if drug/alcohol testing is appropriate and, if appropriate, to arrange for testing immediately, if possible. If drug/alcohol testing is appropriate, the Department Head or Supervisor will transport the employee to a drug/alcohol test collection facility. The drug/ alcohol test may be a type based on urine, breath or other type of sample, as appropriate. After testing, the employee will be transported home until the results of the test are known. If the employee's Supervisor reasonably determines that the employee is incapable of being managed, the Department of Public Safety or other government agency may be contacted for assistance.

(C) Effective August 7, 1989, in the event of a workplace accident, not necessarily resulting in an on-the-job injury, a City Department Head or Supervisor may require those employees in the work group experiencing the accident to submit to a drug/ alcohol test under the guidelines set forth above for reasonable suspicion testing.

(1) Additionally, a City Department Head or Supervisor may conduct a thorough search of any City property at any time and especially when employees in a work group

experience an accident. City property includes, but is not limited to, City owned or leased buildings, parking facilities, City vehicles or motorized equipment, containers located in or on City vehicles or motorized equipment, as well as lockers and desks.

(2) The personal property of City employees may also be searched if the employee's personal property is on City property. City employees are hereby notified of such provision and are hereby deemed to consent to the search of any items or personal property brought upon City property. Whether or not a consent form is signed, any information obtained which may relate to violations of federal of state criminal statutes will be transmitted to the appropriate law enforcement agency.

SECT ION 2. A copy of this Ordinance shall be posted all City offices and facilities.

SECTION 3. Although this Ordinance deals primarily with on-the-job violations, nothing in this Ordinance shall be deemed to allow off-duty use of drugs or alcohol in on illegal manner, and any such illegal use may result in disciplinary action, including termination.

SECTION 4. If any provisions, word, clause, sentence, or paragraph of this Ordinance is held void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 5. Emergency Clause. Because of the serious implications of the presence or effect of the use of controlled substances or alcoholic beverages in the workplace and its resulting risks to the City of Maumelle and its employees of injury to life or property as well as the increased risks to the general health safety and welfare of the City's inhabitants an emergency is deemed to exist so that the provisions of this Ordinance upon approval shall be effective as of August 8, 1989.

ATTACHMENT B

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF MAUMELLE,
COUNTY OF PULASKI, STATE OF ARKANSAS,
AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 269

AN ORDINANCE TO INCORPORATE THE FEDERAL DEPARTMENT OF TRANSPORTATION'S 1994 FINAL RULES FOR CONTROLLED SUBSTANCES AND ALCOHOL TESTING, UPDATING THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 INTO EXISTING PERSONNEL POLICIES AND TO AMEND ANY PERSONNEL POLICY PROVIDING FOR CONDITIONS OF EMPLOYMENT AND FOR OTHER PURPOSES

WHEREAS, pursuant to Congressional mandate, the U. S. Department of transportation has handed down its 1994 Final Rules for Controlled Substances and Alcohol Testing, (hereinafter called the Rules), which update the Omnibus Transportation Employee Testing Act of 1991; and

WHEREAS, all employees occupying positions which require a Commercial Driver's License in order to carry out the duties of their position will now be subject to the Rules, including those for drug and alcohol testing, effective January 1, 1996; and

WHEREAS, the Maumelle Board of Directors is committed to maintaining a safe workplace for its employees, and users of the public highways that is free from illegal drug use and the misuse of alcohol; and

WHEREAS, the Maumelle Board of Directors intends to comply with the requirements for drug and alcohol testing as mandated by the U. S. Department of Transportation and other Federal and State laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAUMELLE BOARD OF DIRECTORS:

SECTION 1: That all personnel policies of the City of Maumelle are hereby revised and amended to incorporate the 1994 DOT Final Rules. Said Rules are incorporated herein by reference in its entirety as if restated word for word.

SECTION 2: That this ordinance specifically amends any personnel policy providing for conditions of employment for employees whose duties require them to maintain a Commercial Driver's License in order to lawfully carry out their duties.

SECTION 3: Any ordinance, Resolution, Rule, Regulation or part of any Ordinance, Resolution, Rule, Regulation now in effect which conflicts with the Rules is hereby repealed.

SECTION 4: The Personnel Director (or other employee with equivalent responsibility) is hereby directed to establish procedures to ensure compliance with the Rules, including the assignment of a Designated Representative responsible for the execution of the procedures.

SECTION 5: Any laboratory, medical review officer, substance abuse professional or any other professional who receives payment for testing, evaluating, record-keeping, or other services mandated by the Rules must be qualified according to the Rules and must perform such services in conformance with 49 CFR Part 40 and Part 382.

SECTION 6: Drug and alcohol testing will be administered to those employees mandated by the rules, in the circumstances and in the manner mandated by the Rules.

SECTION 7: The penalty for refusal to take a mandated test for drugs or alcohol is immediate discharge.

SECTION 8: The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge.

SECTION 9: The penalty for a positive alcohol test result is immediate discharge.

SECTION 10: Employees whose initial drug test results are positive and who request a test of the second portion of the split lit sample will be suspended without pay until such time as the 'Designated Representative' receives the results of the second (split sample) test. Such second test will be at the employee's expense.

SECTION 11: A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

SECTION 12: An employee suspected of unlawful use of drugs or abuse of alcohol while on duty as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.4 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the 'Designated Representative'.

SECTION 13: All provisions of this ordinance of a general and permanent nature are amendatory to the Maumelle City Code and the same shall be incorporated in the Code.

SECTION 14: All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 15: If any clause, sentence, paragraph, section or other portion of this ordinance is found to be unconstitutional, invalid or inoperative by a court of competent jurisdiction, such findings shall not effect the validity of the remainder of these sections,

nor shall any proceeding invalidating any portion of any section operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

PASSED this 20th day of November, 1995.

Omnibus Transportation Employee Testing Act of 1991

If you are a supervisor in a workplace where transportation is a primary operation, then you must abide by the Federal Omnibus Transportation Employee Testing Act. The following is a general overview. For more agency-specific rules and procedures, supervisors are encouraged to contact their manager or Employee Relations.

The Act mandates pre-employment, reasonable suspicion, post-accident, random, and follow-up/return to duty drug and/or alcohol testing of state employees in positions requiring the possession of a Commercial Drivers License and defined as safety-sensitive.

Who is affected by these rules?
Every person who operates a motor vehicle that weighs more than 26,001 pounds, or is designed to transport 16 (including the driver) or more passengers, or is used to transport hazardous materials which is required to be placarded and who is required to have a commercial drivers license (CDL), is considered to be "safety-sensitive" and affected by the rules.

What alcohol and controlled substance use is prohibited?
Employees must not:

- Report for duty or remain on duty while having a Blood Alcohol Concentration (BAC) of 0.02% or higher;
- Possess, use, or be under the influence of alcohol while on duty;
- Perform any safety-sensitive function within 4 hours of using alcohol;
- Use alcohol for 8 hours following an accident, or until such employee has undergone an alcohol test; or
- Refuse to submit to a required alcohol test.
- Report for duty or remain on duty when under the influence a controlled substance. Prohibited controlled substances include: cocaine, marijuana, opiates, amphetamines and phencyclidine.

What tests are required?
Pre-employment, post-accident, reasonable suspicion, random, and return-to-duty

What are the testing procedures?
Testing for controlled substances will be conducted by urinalysis. Alcohol testing will be conducted by a Breath Alcohol Technician (BAT) using a breath testing device.

How is drug testing done?
Drug testing is conducted by analyzing a driver's urine specimen.

How is alcohol testing done?

The rules require breath testing using Evidential Breath Testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA).

Are test results confidential?
Yes. All testing records are considered confidential.

Who can authorize testing?

- Pre-employment - personnel appointing authority
- Post-Accident - supervisor or law enforcement officer as mandated for fatality or moving violations
- Reasonable Suspicion - trained designated supervisor(s)
- Random - computer generated or other random selection device
- Return to Duty and Follow-Up - substance abuse professional.

What are the consequences for refusal or a positive test result?
Refusal to submit to testing is prohibited and is a violation of the Act. The consequences for a refusal are therefore the same as if the person had submitted to testing and received a positive result. Under these circumstances the employee must be removed from performance of any safety-sensitive function until such time as the driver submits to testing and the results are negative for alcohol (or) controlled substance.

Will prescription medications affect test results?
Prescription medications may affect test results. Any medications that affect the ability to perform the job safely must be reported to the appropriate supervisor.

Is professional help available?
Yes. Contact Employee Assistance Program (501- 663-1797) representative for information on available services.

ATTACHMENT D

REPRODUCED FROM ORIGINAL

RESOLUTION NO. 89-27

A RESOLUTION RESTRICTING NEPOTISM IN HIRING PRACTICES

WHEREAS, directors or heads of departments have authority for hiring, firing, promotion, demotion, and recommendations with regard to City employees; and

WHEREAS, it is in the best interest of the City that any appearance of impropriety be avoided, and that those charged with hiring City employees do not exercise that authority in a nepotistic fashion;

BE IT RESOLVED BY THE CITY OF MAUMELLE, ARKANSAS, AS FOLLOWS: Henceforth, no director or head of a department, not the City, shall hire any person who is within the third degree of relation by blood or marriage to the director or head of such department unless such person shall be employed to work in another department of the City.

This resolution shall not prohibit the City Board from making appointments or hiring employees notwithstanding this resolution, and the Board may make exceptions to this resolution upon request if it deems fit. Also, this resolution shall not prohibit professional persons such as the City Attorney or engineering consultants or other non-employees from hiring whomever they wish to assist them.

RESOLVED this 1st day of May, 1989.

Approved:
Doug Wilson
Mayor

ATTEST:
Beverly Masters
City Clerk

APPROVED AS TO FORM:
Inez Stephens
City Attorney

SPONSORED BY
Director Maxwell

	ODOM	RUSS	DeHAN	WILSON	MAXWELL	DELAY	WILKES
Aye:	__X__	___X__	___X___	__X___	___X___	___X__	___X__
No:	____	_____	_____	_____	_____	_____	_____
Present:	__X__	___X__	___X___	__X___	___X___	___X__	___X__

ATTACHMENT E

Catastrophic Leave

Eligibility

All regular full-time employees who have completed a minimum of one (1) year of service with the City of Maumelle may opt to participate in the CLB program.
All participation in the CLB program is strictly voluntary.

In order to receive benefits under the CLB program, an employee must enroll in the program and comply with these rules.

Enrollment

Eligible employees may enroll by completing an enrollment form available on the HR website or from the HR office. Participation will begin immediately after the employee becomes eligible and completes an Enrollment and Contribution Authorization form. Open enrollment shall be January 1st through January 31st of each calendar year.

Employees may cease participation in the CLB program by notifying Human Resources of their intent in writing. Human Resources will notify the Catastrophic Leave Review Committee Chairperson upon receipt of written notification from the employee and remove the employee from the program before the end of the scheduled enrollment period.

Contributions

Initial enrollment contributions for any employee who chooses to participate in the CLB program will be for no less than one (1) sick or vacation day or shift, as appropriate. After the initial enrollment, the minimum contribution of one (1) day or shift will be automatically contributed during the second pay period in January of each succeeding year; January is the open enrollment month.

Catastrophic Leave Review Committee

All requests for catastrophic leave shall be reviewed by the Catastrophic Leave Review Committee (CLRC). The CLRC consists of five (5) members: four (4) members are appointed by the Mayor; the Director of Human Resources serves as the fifth (5th) member. Attendance of four (4) members at any meeting is required for a quorum to be established. A quorum is required for the CLRC to take any action.

The CLRC will meet as needed to review employee requests. Approval of a request for catastrophic leave shall require a positive vote of four (4) of the five (5) members or a unanimous vote if only four (4) members are present.

Process

Upon receipt of the Catastrophic Leave Bank Request Form, the CLRC will:

Verify through Human Resources that the applicant-

1. is enrolled in the CLBP
2. has submitted complete documentation
3. has exhausted all accumulated leave (both sick and vacation)
4. has satisfied the two (2) week waiting period without pay due to illness or injury
5. the applicant has good job attendance and has not had any disciplinary actions taken against them during the last twelve (12) months.

A. vote to either approve or disapprove the request

B. if approved the Catastrophic Leave Bank Request Form will be returned to Human Resources for required data entry

C. if approved or disapproved Human Resources will notify the applicant of the CLRC's decision.

The decision of the CLRC is final.

<u>CLRC Responsibilities</u>

The Catastrophic Leave Review Committee shall:

- only approve requests which will keep the CLBP in a positive balance
- ensure that catastrophic leave is established as a separate leave type
- employees will not accrue leave while receiving benefits from the CLBP (upon return to work the employees leave accrual will resume)
- make certain that under no circumstance leave contributed to the CLBP is restored to the contributing employee
- ensure unused catastrophic leave granted to an employee is credited back to the CLBP
- ensure a recurrence of a condition causing the original CLBP request that happens within thirty (30) calendar days will be treated as a continuation of the same incident and thus only require written request from the employee; however, a recurrence beyond thirty (30) days shall be treated as a new request and therefore, require a new request and documentation
- maintain compliance with the policy that contributions to the CLBP cannot be designated to any employee
- ensure that participation is from the initial enrollment date; participation cannot be made retroactive under any circumstance
- ensure that all decisions of the CLRC are nondiscriminatory

ATTACHMENT F

FAMILY MEDICAL LEAVE ACT (FMLA)

Synopsis of Law

Covered employers, the City of Maumelle must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; **or**
- to take medical leave when the employee is unable to work because of a serious health condition.

Eligibility and Application

If you have worked for the City of Maumelle a minimum of one (1) year and have worked 1,250 hours or more during the 12-months prior to requesting leave, you are eligible for family and medical leave. You are eligible to take up to 12 weeks of unpaid leave within any 12 month period under the provisions of FMLA.

You must conclude leave for the birth of a child or for adoption or foster care within 12 months after the event. However, leave may begin prior to birth or placement, as circumstances dictate. Leave entitlements for medical reasons are predicated upon the existence of a serious health condition, either that of a family member or your (the employee) own condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

Inpatient care in a hospital, hospice, or residential medical care facility; or

Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated would likely result in a period of incapacity of more than three (3) calendar days, and for prenatal care.

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

Use of Paid Time Off Benefits

You will be required to use your available vacation time and/or accumulated sick leave during the twelve (12) week family leave when that leave is taken because of serious health conditions.

Please Note: That portion of family leave of absence which is vacation time, compensation time, personal leave or sick leave days will be with pay according

to the City's leave policies. Using paid time off benefits does not add to the total length of the FMLA leave.

Intermittent or Reduced Leave

In the case of your own serious health condition or that of a family member, you may take leave intermittently or on a reduced work schedule if medically necessary. When you choose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or a reduced work schedule only with permission and approval of your department head and the Mayor. If you request intermittent or reduced leave status for foreseeable planned medical treatment the City may, in its sole discretion, temporarily transfer you to another job with equivalent pay and benefits that better accommodate that type of leave.

Notification

You must provide the City thirty (30) days written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. Forms may be picked up at the Personnel Office. However, if emergency conditions prevent 30 day notification, you must notify your Department Head or the City Personnel Department as soon as practical.

Leave Provisions for Spouses Both Working for the City

If FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent, the maximum combined leave for both spouses is 12 weeks. 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.

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. It should be understood that certain highly compensated salaried employees are eligible for FMLA leave but are not guaranteed restoration to their positions if they choose to take leave.

Employee Benefits

During your FMLA leave of absence, your health care benefits will continue. Both the city and you, the employee, will be required to pay the customary portions of your monthly health insurance premium. Your failure to pay your share of the premium may result in loss of coverage. Human Resources will advise you of the payment due dates.

If you do not return to work for at least 30 calendar days after the expiration of your leave then you will be required to reimburse the City for payment of health insurance premiums during your leave. However, if you do not return because of a serious health condition which prevents you from performing your job; then reimbursement is not expected.

During your FMLA leave you will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, your employment benefits accrued up to the day on which the FMLA leave begins will not be lost.

Certification

Medical certification of the need for FMLA leave for medical reasons is required. A certification form may be obtained down loaded from the Human Resources website or picked up from the Human Resources Office. This form should be filled out and returned to the Director of Human Resources.

Release to Return to Work

A medical doctor's release is required for all City employees who return to work from a FMLA medical leave for a serious health condition. This medical release or fitness for duty statement is required if you are returning from a FMLA medical leave of one (1) week or longer.

Dispute Resolution

If there is a disagreement that occurs over the medical opinion provided by your physician, the City may require a second medical opinion. A second medical opinion or, if necessary, a third medical opinion may be obtained at the City's expense.

Military Family Leave

On January 28, 2008, the National Defense Authorization Act for Fiscal Year 2008 was signed into law. A section of this Act expands leave rights under the Family Medical Leave Act ("FMLA") as follows:

(1) Active Duty Leave

Eligible employees with a spouse, child, or parent who is on armed forces active duty, or has been notified of an impending call or order to active duty, may take **up to 12 weeks of unpaid leave due to a "qualifying exigency."**

"Qualifying exigency" is not defined in the law as passed by Congress. This definition has been left to the Department of Labor (DOL), which has yet to issue regulations on it. However, examples of "qualifying exigency" offered by the DOL include:

- Making arrangements for childcare required due to the service member's absence.
- Making financial and legal arrangements to address the service member's absence.
- Attending counseling related to the service member's active duty.
- Attending official ceremonies or programs where the military requests participation of the family member.
- Attending to farewell or arrival arrangements for the service member.
- Attending affairs caused by the missing status or death of the service member.

If the need for this leave is foreseeable, such as when the family member receives his/her military orders in advance, the employee must provide the employer with "reasonable and practicable" notice of the need for leave, and the employer may

require the request for leave to be supported by a certification, such as a copy of the military orders.

(2) Military Caregiver Leave

Eligible employees who are the spouse, child, parent, or "nearest blood relative" of a service member who has incurred a **"serious illness or injury"** while on active duty are permitted to take **up to 26 weeks of unpaid leave** in a single 12-month period **to care for the injured service member** (in contrast to 12 weeks for a non-service serious health condition of a family member).

The definition of "a serious illness or injury" under the caregiver provision is much broader than the definition of "serious health condition" under the FMLA. "Serious injury or illness" is defined as one incurred in the line of active duty that renders the service person medically unfit to perform the duties of his/her office, grade, rank, or rating.

This includes any member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, due to a serious injury or illness.

Additional Important Points

- When requested by the service member or his/her family, the military will provide a medical certification to military service members certifying the service member is seriously injured or ill and is actively receiving medical treatment. The City of Maumelle can request a copy of this certification.
- Until the Department of Labor regulations are issued, the City of Maumelle will also accept a medical certification from the injured service member's personal physician, regardless of who is providing the medical treatment.
- An employer's duty to provide this type of "caregiver" leave began immediately upon the President's signing of the Act, according to the Department of Labor.
- Both types of service-related FMLA leave can be taken on an intermittent or reduced leave basis.
- The City of Maumelle may require, or the employee may elect, to substitute accrued paid leave for either active duty or caregiver leave.

<u>Summary of City Policy</u>

The City of Maumelle is an Equal Opportunity Employer. It is the policy of the organization not to discharge or discriminate against any employee exercising his or her rights under the Family Medical Leave Act.