



City of Hardy

EMPLOYEE HANDBOOK

Version 0.3

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CHAPTER 1

GENERAL POLICIES

1.1 PURPOSE

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

This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to Recorder/Treasurer.

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

1.2 SCOPE

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

1.3 DEFINITIONS

DESIGNATED CAREGIVER—Employee who has agreed to assist a physically disabled qualifying patient with the medical use of marijuana, and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.

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

EXEMPT EMPLOYEE—Employee who is not eligible for overtime or compensatory time as defined by the Fair Labor Standards Act (FLSA).

FULL-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position that has daily, weekly, and monthly hours as established by the city council for full-time work.

IMMEDIATE FAMILY MEMBER—For purposes of this handbook, this shall mean mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's parents, or those relatives who live in the employee's household, including "step" relatives.

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

OVERTIME—Hours worked in excess of 40 hours during a regular Work Week.

For firefighters, hours worked in excess of 106 hours during a 14 day Work Pay Period; for law enforcement officers, hours worked in excess of 86 hours during a 14 day Work Pay Period.

PART-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

QUALIFYING PATIENT—Employee who has been diagnosed by a physician as having a qualifying medical condition and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.

SUPERVISOR—Person who has been designated to oversee other employees in a department.

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

WORK WEEK—The period beginning Wednesday at 12:01 a.m. and ending the following Tuesday 12:00 a.m.

WORK PAY PERIOD—Fourteen (14) day period encompassing 2 Work Weeks.

VALID DRIVER'S LICENSE—Any City employee who is required to drive a city vehicle as a part of his or her employment must have a valid Arkansas driver's or CDL license. A suspended, expired or revoked license will not be considered to be a valid license.

1.4 AMENDMENTS AND REVISIONS

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

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

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

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

1.5 DISTRIBUTION LIST

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

1.6 DEPARTMENT REGULATIONS

The head of any department may formulate reasonable administrative regulations for the conduct of the department. Nothing in this section shall be construed as granting any department authority to adopt

regulations in violation of, or in conflict with personnel regulations approved and adopted by the City Council.

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Hardy provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race; color; religion; sex; national origin; age; disability unrelated to job requirements; genetic information; political status; marital status; status as a veteran or member of the military or national guard; status as a qualifying patient or designated caregiver; or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution; in accordance with applicable federal, state, and local laws. The city's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, discipline, and training.

2.2 AMERICANS WITH DISABILITIES ACT

The City of Hardy abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Mayor. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT

2.3.1 POLICY

The City of Hardy expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, on grounds such as those listed in paragraph 2.1 of this policy or any other ground protected by state or federal constitutions or laws.

Harassment or discrimination of any employee is a serious violation of city policy and will not be tolerated. Neither will workplace retaliation against someone for having complained of harassment.

2.3.2 PROHIBITED CONDUCT DEFINED

For the purposes of this policy, "harassment" refers to an annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of the employee's membership in any legally protected class or for some other trait the employee was born with (i.e., race, color, religion, sex, national origin, age, genetic information, political status, marital status, or status as a veteran or special disabled veteran, or the presence of any physical, mental, or sensory

handicap). Harassment may be considered a violation of federal and/or state law.

Employees should know that they should not participate in (and do not have to tolerate) the following types of protected class harassment regardless of whether the harasser is a co-worker, supervisor, citizen, or any other person with whom the employee's job brings him/her into contact:

- Racial harassment
- Harassment due to religion or views concerning religion
- Harassment due to national origin
- Sexual harassment (gender neutral)
- Harassment due to age of employees who are at least 40 years old
- Harassment because of disability or perceived disability
- Harassment based on color
- Harassment based on other protected categories in paragraph 2.1 of this policy

2.3.3 DISCRIMINATION AND HARASSMENT GENERALLY

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

- Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, unwanted sexual invitations, or negative comments because of the employee's protected class membership;
- Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interferences with the work directed at an individual because of the employee's protected status;
- Displaying or distributing offensive materials. This includes derogatory or sexual posters, cartoons, emails, calendars, magazines, drawings, or gestures;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Unwanted, intentional physical contact, whether it be of a sexual or other nature;
- Making protected status innuendos;
- Requesting favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment;
- Gender-based harassment, including sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions; and/or

- Retaliation for having reported harassment.

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

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

2.3.4 SEXUAL HARASSMENT

Sexual harassment is illegal and is a serious form of misconduct. Sexual harassment of employees, non-employees, and/or citizens with whom the City of Hardy has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated. The City of Hardy is committed to maintaining a working environment, free from all forms of sexual harassment.

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

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

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

Sexual harassment includes, but is not limited to:

- Inappropriate physical contact, including blocking of movement, brushing against the body, coercive sexual involvement, cornering, grabbing, hugging, kissing, patting, pinching, poking, stalking, any form of sexual assault, and touching;
- Inappropriate visual contact including leering, obscene gestures, and staring;
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's individual work station;
- Unwelcome verbal behavior, such as comments, suggestions, jokes, demeaning remarks, insults, requests, sexual innuendo, suggestive statements, slurs, or other derogatory remarks based on sex;
- Unwelcome or invasive flirting;
- Continued requests for dates and propositioning an individual; and/or

- Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

2.4 COMPLAINT REPORTING AND INVESTIGATION

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

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

2.4.1 COMPLAINT PROCEDURES

It is every employee's and official's responsibility to ensure that his or her conduct does not constitute harassment in any form. If, however, harassment or suspected harassment has or is taking place:

1. An employee must immediately report the harassment or suspected harassment, in writing, to the immediate supervisor. If the immediate supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Mayor or the Recorder/Treasurer.
2. Employees have a responsibility to report harassment. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment. Employees should note that failure to report harassment creates a situation where a harassed employee's situation is much more likely to remain unresolved. The very worst thing for an employee to do in a harassment situation is fail to report it.
3. If the complaint involves sexual harassment and the complaining employee prefers to speak with a person of the employee's same gender, the city will make every effort to accommodate that request.
4. Any supervisor or department head that learns of or receives a complaint of harassment through any means (including witnessing, overhearing, learning of a rumor, or otherwise becoming aware of alleged harassment in the workplace) is obligated to report it to the Mayor.
5. Each complaint shall be treated confidentially and be fully investigated internally. A determination of the facts and an appropriate response will be made on a case-by-case basis.

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

probation, suspension, demotion, and/or termination.

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

2.4.2 RETALIATION

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

2.4.3 FALSE ACCUSATIONS

Employees who have genuinely been subjected to harassment are encouraged to come forward and report it, so that the city can take action to stop the problematic behavior. This is because harassment is harmful to others and cannot be tolerated.

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

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 AT-WILL EMPLOYER

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

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

3.2 AUTHORITY TO HIRE AND FIRE

State law dictates that local government department heads serve at the will of the Mayor. The Department Head has the authority to hire and/or fire all other non-department head employees of the city with consent of the Mayor and after consultation with the Recorder/Treasurer. To hire an employee there must be an approved Job Description on file with the Recorder/Treasurer's Office. Employee Job Descriptions must be approved by the City Council.

3.3 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on

forms provided by the city. Application forms are available in the office of the Recorder/Treasurer. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from city employment.

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

Applications for full-time city employment will not be accepted from anyone less than eighteen (18) years of age.

The Mayor is authorized to make the final decisions on hiring new employees and promoting existing employees, except as otherwise provided by Arkansas law.

3.4 EMPLOYMENT APPLICATIONS AND RESUMES

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

3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS

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

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

3.6 FITNESS FOR DUTY EXAM

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

3.7 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

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

3.8 DRUG AND ALCOHOL TESTING

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

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

The City of Hardy prohibits the possession, smoking, or otherwise use of medical marijuana on city premises. The City of Hardy reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

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

3.8.1 FITNESS FOR DUTY

Current abuse of drugs is not a protected disability under the Americans with Disabilities Act (ADA). The City of Hardy will not hire anyone who is known to currently abuse drugs. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City of Hardy on or off of the work place are prohibited from

purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

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

3.8.2 NOTIFICATION

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

3.9 GENETIC INFORMATION.

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

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information,’ as defined by GINA, means, with respect to any individual, information about an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 ATTENDANCE

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by Hardy City Council. Regular and punctual attendance is an essential job duty for every employee with the city.

4.2 WORK HOURS

Except for police officers and firefighters, the standard workweek shall consist of forty (40) hours per work week within a seven-day period, unless otherwise arranged by the Mayor to meet specific departmental needs. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations. All work schedules shall be on file with the Mayor.

The standard workday shall begin at 8:00 am and end at 4:30 pm unless otherwise arranged by the

Mayor to meet specific job needs. Departments may vary employee's schedules based upon departmental necessity. The standard work week is Wednesday through Tuesday.

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

The City of Hardy reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of Hardy. In an emergency, previously scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the Mayor. Changes in work schedules will be announced as far in advance as practicable, but can be changed with little or no notice.

Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided. Breaks away from the work location to smoke are considered as rest breaks.

4.3 UNAUTHORIZED WORK TIME

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

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

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

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

All employees shall report their hours worked by utilizing the time and attendance system assigned by Recorder/Treasurer. It is the responsibility of each employee to properly use the system as directed. All employees must submit their time worked each bi-weekly pay period to their supervisor for approval and payroll processing. The supervisor shall forward the same to the Recorder/Treasurer's office in a timely manner to ensure that proper records are kept as to time worked and any leave taken.

4.4.2 PAYROLL and PERSONNEL RECORDS

The Recorder/Treasurer's office shall keep and maintain all personnel records and a record of work attendance, time worked, absences, pay rate, vacation, and sick leave earned, used, and accrued, along with any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours as the requirements of the employee's work duties permit. Except for HIPPA regulations, all records of the City shall be considered public records and may be inspected when in public interest, upon application made to the Recorder/Treasurer's office during normal working

hours.

Records of personnel involving investigations correspondence and data related to the moral character and reputation of applicants for employment and employees in City services, files, statements, reports, correspondence and other data in connection with and related to investigations of violations of these regulations conducted by the City Council; and examination materials, questions, data and examination papers and records held by the City shall be held confidential.

4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees work on a weekly basis (work week) and they are paid on a bi-weekly basis (work pay period). The payday will be on the Friday following the Tuesday that ends the work pay period. When a Holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday. Paychecks are distributed by supervisors of each department or an employee's paycheck will be deposited directly into their personal bank account with an approved direct deposit form.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that their paycheck does not properly compensate him/her for all hours worked or is inaccurate in a given payroll period should immediately report those concerns to the Recorder/Treasurer's office. It is the policy of the City that no advance in future wages shall be made to any City employee.

4.4.4 WITHHOLDING OF MEMBERSHIP DUES

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

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

4.4.5 PAY PLAN

The pay of all employees is established by the pay plan for the classification in which they are employed. All employees shall be paid at the pay rate prescribed for the classification in which they are employed. Employees working less than full-time and on an irregular basis shall be paid at an hourly rate assigned to his or her position.

The reclassification of an employee's position or his or her transfer from one class to another class of a comparable pay range shall effect no change in his or her salary. From time to time, it may be necessary to ask an employee to assist another department with duties as assigned by the department's supervisor. The purpose of this will be to alleviate extra work loads which can occur as a result of unknown circumstances.

The promotion of an employee to a class with a higher salary range shall include an increase in his or her salary to at least the minimum of the new classification. If the minimum for the new classification is below his or her present salary, he or she shall not be granted more than a five (5) percent

adjustment to the employee's current pay rate at the time of promotion. All promotions must be approved by the Mayor.

In the event an employee is reclassified or demoted to a lower classification, his or her salary may be reduced to a pay level in the lower classification, however, in no event shall his or her salary be fixed at an amount greater than he or she was earning immediately prior to the his or her demotion.

A new employee normally will enter employment at the minimum rate of pay for the position in which he or she is employed. In the case of difficulty in finding qualified personnel or in the hiring of an exceptionally qualified person, the starting salary may be higher than the classification minimum rate of pay. No employee's salary shall exceed the maximum salary ceiling for their respective job classification. Any exception to minimum and maximum pay placement range policy first must be approved by the Mayor.

Bi-Annual Salary Surveys – It is the general policy of the City that employees receive salary adjustments on the basis of an objective evaluation of their performance and that allocation of “general” or “cost of living” increases to all employees without consideration of performance is not in the best interest of the City and its employees. However, to remain continuously competitive, the salary structure shall recognize changes in the cost-of-living and other variables through adjustments in the salary grade table or reclassification of position (up and down). Yearly by October 1st, it shall be the responsibility of the Hardy City Council to determine annual adjustments to the uniformed position salary grade tables in one year and the non-uniformed positions salary grade tables in the next year on the basis of their analysis of the following general trends:

- Municipality salary trends
- Local and national salary trends
- Ability of City to pay

After adjusting the salary grade tables for uniformed and non-uniformed positions on an alternating bi-annual basis (if needed), the City Council and appropriate Department Heads shall develop a budget recommendation and establish overall percentage amount of salary increase, the allocation of salary increases for each department, and the percentage guidelines for performance ratings. Increase shall not necessarily be the same each year.

Monthly compensation for the Mayor, Recorder/Treasurer and City Council will be determined by the City Council during the Annual Budget Cycle. All other officers and employees whose compensated is not specifically listed on the City's pay range chart will be fixed by the City Council.

All volunteer firefighters shall be paid at a rate of \$10.00 per call and will be paid \$5.00 per fire drill and fire department meeting. Volunteer firefighters will be compensation on a once per year basis on or before December 1st.

4.5 SALARY BASIS POLICY

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

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime

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

4.5.1 SALARY BASIS REQUIREMENT

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

4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY

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

4.5.3 CITY POLICY

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees.

4.5.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Recorder/Treasurer's office.

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

4.6 OVERTIME AND COMPENSATORY TIME

4.6.1 OVERTIME

The City of Hardy will pay overtime in accordance with the Fair Labor Standards Act (FLSA) at one and one-half times the base rate or hourly rate for all hours worked in excess of the hours per week or work period set forth in the WORK HOURS section of this handbook.

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

4.6.2 COMPENSATORY TIME

The Mayor must approve ALL compensation for overtime which may be made in the form of compensatory leave time (“comp time”) to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek. No employee may accumulate more than forty (40) hours of compensatory time at any given time during the calendar year. Hours in excess of the specified maximum shall be paid at the appropriate overtime rate on December 1st of each year. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee’s then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime hours worked. However, the overtime and compensatory records of the Recorder/Treasurer’s office shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave should be scheduled in the same manner required for vacation days. By signing the acknowledgement enclosed in this handbook, the employee and city agree that compensatory time may be given in lieu of overtime payments. In addition, it is understood that the city may substitute monetary payment at the rate of time and one-half for any outstanding compensatory leave time. After an employee accumulates 40 hours of leave time, the city may require the employee to take compensatory leave as determined by the Mayor and Recorder/Treasurer.

Weekend Standby Duty – Each supervisor will prepare a list of personnel and their phone number to be used in the event of emergency. This list will be made available to the Mayor, City Council, City Hall and the Police/Fire dispatchers.

4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES

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

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

Hourly rates of pay for personnel paid on an annual salary shall be calculated by dividing the annual salary by two thousand eighty (2080) hours (fifty-two (52) weeks X forty (40) hours). Net pay shall be

computed by subtracting applicable deductions.

4.6.4 UNIFORM EMPLOYEES

Uniformed employees are paid on an hourly basis. For firefighters, hours worked in excess of 106 hours during a 14-day work pay period; for law enforcement officers, hours worked in excess of 86 hours during a 14-day work pay period.

4.7 EMERGENCY SITUATIONS

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

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

4.8 TEMPORARY AND SEASONAL EMPLOYEES

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

4.9 VACANCIES AND PROMOTIONS

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

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

The Mayor and Department Head shall make the final decision regarding new hires and promotions.

4.10 TRAINING

The City of Hardy is committed to continuing training for all employees. If an employee feels that additional training is needed, the employee is responsible for notifying the employee's department head. The City of Hardy should assume expenses incurred in on-the-job training.

4.11 TRAVEL

Travel expenses will be reimbursed as follows: When an employee is required to drive their personal

vehicle on city business, mileage will be reimbursed at the current IRS Allowance rate based on a “to and from” odometer reading. The City of Hardy will provide a vehicle whenever possible. Should an employee choose to use his or her own vehicle instead of the one provided by the city, there would be no mileage paid. City business within 100 miles of the City of Hardy will be considered within driving distance and not be eligible for overnight status. City business over one hundred (100) miles from Hardy and requires an overnight stay will be reimbursable. A receipt or bill with the date of the stay must be provided to the city. A multiple day meeting may be eligible for overnight status regardless of distance upon approval from the Mayor. The city will pay for motel accommodations. Meal Expenses relating to said trip will be reimbursed by filling out a Travel/Expense Voucher. Valet Parking charges are excluded. When the host organization or persons furnish meals, attendees will not be reimbursed during the periods in which meals were provided. Alcoholic beverages, gratuities, or entertainment costs (movie rentals) are not reimbursable. Meal expenses will not be reimbursed for day trips in accordance with the IRS Regulation.

4.12 PERFORMANCE EVALUATIONS

All employees will participate in a performance review session, at least annually, with their supervisor. New employees may have their performance evaluated prior to the end of their first year of employment. Performance review forms must be completed, approved and submitted to the Mayor and Recorder/Treasurer’s office by May 30th each year. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

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

Employee performance evaluations shall be considered in determining salary increases or decreases within the limits established in the pay plan, as a factor in promotions, as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee’s personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment. No merit increase shall be applied to the salary of any employee unless accompanied by a complete performance evaluation that contains both the employee’s and supervisor’s signatures.

4.13 JOB SAFETY

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

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

- Follow all departmental safety rules and procedures

- Use all mechanical safeguards on or for employee equipment. Employees driving city vehicles shall use the utmost safety at all times. Only those employees specifically authorized and who possess a valid license or permit for the equipment being used shall operate City owned motor vehicles.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any injury and every accident to the supervisor or department head. Action for proper medical attention should be taken as quickly as possible.
- Failure to follow departmental safety procedures can be cause for disciplinary actions including termination.

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

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted inside city facilities, or in an employee's possession while conducting city business offsite. Of course, theft of any kind will not be tolerated.

4.14 REFUSAL TO WORK

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

4.15 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Hardy are urged to notify the city at least two (2) weeks in advance (4 weeks for management) of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Although not required, proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck, less all authorized deductions. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

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

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

4.16 EXIT INTERVIEWS

Employees whose employment has terminated may be requested to participate in an exit interview and

sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any city property in the employee's possession or which was entrusted to him/her. The employee's Department Head and Recorder/Treasurer will conduct the exit interview and the Recorder/Treasurer's office will retain the exit interview form.

4.17 JOB DESCRIPTIONS

It shall be the responsibility of the Department Head to maintain a job description on file with the for each position in the department. The job description must be approved by the Mayor and City Council. The job description should include the scope of responsibility, essential job functions, minimum qualifications, working conditions, physical requirements, and an employee acknowledgment. A copy of the job description shall be distributed to employee(s) in the position. Job descriptions should be reviewed annually to determine if revisions, deletions, and additions are warranted based on job changes. The Recorder/Treasurer's office shall maintain a file that includes a current copy of all approved City job descriptions and shall maintain the record of job description for each employee.

4.18 EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment which can be carried into the daily working relationship, Hardy City Council will hire or consider other employment actions concerning immediate family members of persons currently employed only if: (a) candidates for employment will not be working directly for or supervising an immediate family member, (b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the immediate family member, or (c) candidates are volunteers with the city, such as volunteer members of the Hardy Fire Department or other volunteer emergency response departments. Such decisions include hiring, retention, transfer, promotion, wages and leave requests. This policy applies to all current employees and candidates for employment.

4.19 LAYOFFS

The Mayor and Department Head may layoff an employee in the classified service whenever he or she deems it necessary by reason of shortage of funds or work, abolishment of position, or other material change in duties or organization that may improve the service. Such employee shall be notified of the effective date and shall be given written notice of the reasons for the layoff.

Seniority, performance appraisals, conduct, qualifications and type of appointment shall be considered in determining the order of layoffs in a manner prescribed or approved by the Mayor and Department Head. The Mayor and Department Head may place the employee in another position for which he or she is qualified, if such a position is available. A layoff of more than one year shall constitute a break in service with the city.

4.20 ABILITY TO PERFORM ESSENTIAL JOB FUNCTIONS

An employee may be separated from work at any time the employee does not have the ability to perform the essential functions required of his or her job. An employee may at any time be required to submit to an examination by a physician designated by the City for the purpose of determining the employee's ability to perform those job functions. All reasonable accommodation efforts will be considered as required under Section 2.2 prior to separating a disabled employee from employment.

CHAPTER 5

EMPLOYEE BENEFITS – All benefits shall be based on Eight (8) hour days

5.1 VACATIONS - PERSONAL DAYS

5.1.1 POLICE DEPARTMENT

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

All full-time employees of the police department shall accumulate vacation time at the rate of .5769 working days for each work pay period of working service. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. The Police Chief shall see that employees of the police department take all of their vacation time before the end of the calendar year, or shortly thereafter.

5.1.2 NON-UNIFORMED EMPLOYEES

All full-time employees are eligible to accrue and take annual leave with pay, but in no case will any annual leave be granted during the first twelve months of employment.

Through the first year of full-time employment, employees accrue five (5) working days of paid vacation annually. At the beginning of the second year of full-time employment and through the fifth year of full-time employment, employees accrue ten (10) working days of paid vacation annually. With the beginning of the sixth year of full-time employment and through the nineteenth year of full-time employment, employees accrue fifteen (15) working days of paid vacation annually. With the beginning of the twentieth year of full-time employment, employees will accrue twenty (20) working days of paid vacation annually.

5.1.3. VACATION ACCRUAL RATE AND USAGE

FULL-TIME EMPLOYMENT	ACCRUAL	ACCRUAL
<u>PERIOD</u>	<u>PER PAY PERIOD</u>	<u>ANNUAL</u>
Through 1 st year	.1923 working day	5 days
2 nd through 5 th year	.3846 working day	10 days
6 th through 19 years	.5769 working day	15 days
20+ years	.7692 working day	20 days

To the extent it differs from the procedure set forth herein, the full-time uniformed employees of the Police Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

Annual leave is cumulative. However, no employee may have in excess of ten (10) days on December 31st of each year. During the calendar year, accrued leave may exceed ten (10) days, but those in excess of ten (10) will be lost if not used before December 31st of each year. Employees are encouraged to use their vacation leave each year and whenever possible to take periods of leave of a least two weeks duration. Good management practices indicate the benefits to the employee and employer

when vacation leave is used each year.

Non-working days, such as weekends and holidays falling within a period of annual leave, shall not be charged as annual leave. Annual leave must be earned before it can be authorized and shall be deducted from the employee's accrued leave in increments of not less than one day.

Death and Separation: When an employee with more than one year of continuous employment, for any reason, ceases to be an active employee of the City, the employee or his estate shall receive a lump sum payment for all accrued annual leave not to exceed twenty (20) days exclusive of holidays, remaining to the employee's credit at the time of separation.

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

5.1.4 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits in to the overall scheduling of the department. Employees should notify their Department Head and the Mayor at least 2-weeks in advance of being absent for vacation time. The permissible number of employees taking vacation at any one time will be determined by the Mayor based upon departmental work loads. The City of Hardy reserves the right to alter vacation schedules. Maximum vacation leave to be taken at any one time is ten (10) days, unless advance approval is granted in writing by the Mayor. If a city-observed holiday occurs within an employee's vacation period, equivalent time off with pay will be provided, or at the employee's request the employee's vacation may be extended for one (1) additional working day.

5.1.5 PERSONAL DAYS

Personal days are available to all full-time employees at the rate of three (3) days per year beginning one (1) year after the date of employment not be cumulative and shall be taken by the end of the year. Personal days are not meant to be used for sick leave days or annual vacation. Employees typically use the personal days for personal issues including time off for family related situations, bereavement, and other personal obligations.

5.2 HOLIDAYS AND HOLIDAY PAY

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

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Columbus Day	As Observed in October

Veteran's Day	November 11 th
Thanksgiving Day	Last Thursday & Friday in November
Christmas Eve	December 24 th
Christmas Day	December 25 th

The City of Hardy will publish a holiday schedule for the sequent year no later than January 15th of each year. The city reserves the right to change observance of any published holiday.

When a Holiday falls on Saturday, it will be observed on the preceding Friday. When a Holiday falls on Sunday, the holiday will be observed on the following Monday. To be eligible for holiday pay an employee must work the day before and the day after the holiday unless the employee provides a doctor's excuse or charges time off to annual leave.

Full time Fire and Police will receive pay for 12 Holidays per year as recognized by the State of Arkansas. A lump sum payment will be paid on the last pay period of November during regular payroll check distributions.

Non-uniform full-time employees will receive holiday pay when off for the holiday and paid appropriately when they are required to work the holiday.

5.3 INCLEMENT WEATHER

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular workday. If an employee's department is open for business, the employee is expected to report to work. However, if in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day or comp time, if eligible. Regardless of the situation, an employee is required to give his or her supervisor proper notice if he or she is unable to report to work.

5.4 SICK LEAVE

5.4.1 Sick Leave Policy

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

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury, or death in the employee's immediate family, as defined in the definitions section of this policy, which require the employee's presence.
- Necessity of medical or dental care, including medical, dental, psychological, and optical visits.

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

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

of release to the department head before returning to work.

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

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

5.4.2 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. § 14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary (Ark. Code Ann. § 14-52-107).

5.4.3 NON-UNIFORMED EMPLOYEES

The City of Hardy recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Hardy provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of .4615 working days per bi-weekly pay period. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. However, employees working less than one thousand (1,000) hours per year shall not accrue or be granted sick leave with pay. Sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the city. However, upon the DEATH OR RETIREMENT ONLY, the employee or their estate shall receive a lump sum payment for all accrued sick leave not to exceed sixty (60) days, exclusive of holidays, remaining to the employee's credit at the time of death or retirement.

Eligible employees are entitled to sick leave with pay when unable to work because of sickness, injury,

or for medical, dental or optical treatment. Sick leave shall be granted on the basis of work days, not calendar days, and shall be deducted from the employee's accrued sick leave in increments of not less than one day.

Request for sick leave should be made in advance whenever possible. However, if the nature of the illness makes this impossible, the employee must notify the Department Head as soon as possible on the first day of the absence. Application for sick leave must then be filed within two working days after the employee returns to work. In addition, the employee shall be required to furnish a certificate from an attending physician for three or more consecutive days of sick leave. If notification is not made in accordance with this procedure, the absence shall be charged to annual leave or leave without pay as the discretion of the City. Non-work days such as weekends and holidays falling within a period sick leave shall not be charged as sick leave.

Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workman's Compensation Benefits, may, upon proper application utilize their accrued sick leave as a supplement to Worker's Compensation so as to receive weekly benefits from both sources equal to but not in excess of their normal weekly pay at the time of the injury or onset of illness. This option, when exercised will reduce the employee's accrued sick leave on a proportional basis.

Employees receiving Worker's Compensation benefits for a permanent disability are eligible for full payment from both sources. Absence due to sick leave shall be charged in the following order: First – earned sick leave. Second – earned annual leave. Third – leave without pay.

5.5 MATERNITY LEAVE

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

5.5.1 NURSING MOTHERS

Nursing mothers will be allowed reasonable unpaid break time to express breast milk. This may run concurrently with other paid or unpaid break already provided. If the employee's work space is not private and secure, we will make a reasonable effort to provide a location where the mother may express. Employees shall make reasonable efforts to minimize the disruption of the employer's operations.

5.6 UNIFORMED SERVICES

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

The Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and re-printed in Appendix A of this handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

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

5.7 LEAVE FOR WITNESS OR JURY DUTY

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

Hours paid for Jury Duty are not considered hours worked for purposes of computing overtime.

Failure to notify the supervisor when released from Jury Duty will be subject the employee to disciplinary action up to and including termination.

5.8 MISCELLANEOUS LEAVE

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be preapproved by Mayor/Department Head. Compensation for travel time and attendance at programs will be made in accordance with 29 Code of Federal Regulations [C.F.R.] sections 785.10 through 785.41. If employees are required to attend these meetings at a location requiring overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid.

The city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses, see Section 4.11.

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

5.9 EMPLOYEE HEALTH BENEFITS

The City of Hardy provides a group health plan for all of its full-time employees. Full-time employees are required to pay thirty percent (30%) of the cost of their individual plan monthly as a payroll deduction. Detailed information on the policy and coverage will be given to employees at the time of hire and reviewed yearly during the open enrollment period usually in November/December. Additional information may be obtained from the Recorder/Treasurer's office. Full-time Employee Family

members may apply for coverage with the full costs of their coverage paid by the employee.

5.10 OCCUPATIONAL INJURIES

All City of Hardy employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify the employee's immediate supervisor who will arrange for appropriate medical treatment and will notify the Recorder/Treasurer so that the necessary reports required for the employee to be compensated may be filed. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located at Hardy City Hall, the Fire Department and the Police Department.

5.11 ACCIDENTAL INJURY

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

Light duty work will not be provided for non-work related injuries.

Chapter 6

STANDARDS OF CONDUCT

6.1 COMMUNICATING WITH THE PUBLIC

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

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

6.1.1 COMMUNICATING ON BEHALF OF THE CITY

The Mayor is authorized to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications. The Recorder/Treasurer, Fire Chief, Police Chief and Public Work Director may represent the city if approved by the Mayor to communicate on a specific topic. When speaking on behalf of the city or while carrying out your official duties:

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

6.1.2 HANDLING REQUESTS FOR INFORMATION PURSUANT TO FOIA

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

6.1.3 HANDLING MEDIA REQUESTS

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the Recorder/Treasurer's office or the custodian of the records in the case of a records request. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify Recorder/Treasurer's office of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, and opinion on a city matter, or if you are unsure if it is a "routine" question, immediately forward to the Recorder/Treasurer's office or in the case of a records request, to Recorder/Treasurer's office. An appropriate response would be, "I'm sorry, I don't have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as she/he can."
3. Ask the media representative's name, questions, deadline, and contact information.

6.2 PERSONAL COMMUNICATIONS

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

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

6.3 UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Hardy City Council. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees must not wear uniforms while off duty except to and from your scheduled shift or work assignment. It is essential that an employee not be viewed by the public as a representative of the city in any official capacity unless authorized to do so.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with the employee's supervisor or department head.

6.4 GUIDELINES FOR APPROPRIATE CONDUCT

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

Whether an employee is on-duty or off-duty, the employee's conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

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

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;
- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;
- Excessive, unnecessary, or unauthorized use of city property;
- Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution, or transportation of drugs;
- Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- Fighting or using obscene, abusive, or threatening language or gestures;
- Theft of property from co-workers, citizens, or the city;
- Unauthorized possession of firearms inside public facilities or while on city business;
- Disregarding safety or security regulations;
- Insubordination;

- Neglect or carelessness resulting in damage to city property or equipment.

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

6.5 ABSENTEEISM AND TARDINESS

Regular attendance is essential to the effective business operations, and the City of Hardy expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive, and place an unnecessary burden on fellow employees, supervisors, city government as a whole, and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should give proper notice to his or her supervisor.

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

“Proper notice” is defined by the city as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible. An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the department head or the employee's supervisor will be deemed absence without leave. Such absence shall be without pay.

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

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

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

6.7 VOTING

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

6.8 OUTSIDE COMPENSATION

No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift, or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with approval of the Mayor.

6.9 USE OF NARCOTICS, ALCOHOL AND TOBACCO

Employees of the City of Hardy shall not use habit-forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase, or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination, as allowed by federal, state, and local laws.

Smoking, or the use of any tobacco product, is not allowed inside any city-owned facility or vehicle or within fifteen (15) feet of any entry/exit door. The term “smoking” shall mean a lighted cigar, cigarette, pipe or other lit/electronic vapor (e.g. e-cigarette) tobacco product. The term “smokeless tobacco” shall include any tobacco product, chewing tobacco, skoal, snuff, etc. be it chew dipped, or in any way placed in direct contact with the mouth. The city complies with all aspects of the Arkansas Clean Indoor Act of 2006. Any employee violating this policy is subject to disciplinary action up to and including termination and may be required to pay a fine if levied by the Arkansas Department of Health.

6.10 DRUG-FREE WORKPLACE

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

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

6.11 USE OF CITY ASSETS AND RESOURCES

6.11.1 TELEPHONES

Telephones are to be used to conduct city business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the Mayor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and

should not interfere with work performance of the employee or the employee's colleagues. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

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

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

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

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

6.11.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Hardy provides various information and technology resources such as email, computers, software/computer applications, networks, the Internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voicemail systems. Please remember that these tools are city property and must be used in a manner that reflects positively on the city and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees, however, should have no expectation of privacy as to their use of city property. The city has the right to access and monitor any and all messages and files on electronic equipment owned by it and will do so as deemed necessary and appropriate. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the city. Reading another employee's files is prohibited unless authorized by the department head. Employees shall not transport software or data provided by the city to another computer site without prior authorization from the department responsible for the data.

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

- Hacking;
- Pirating software or audio/video files;

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

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

Computer equipment, including software, should not be removed from city premises without prior written approval from Mayor or Recorder/Treasurer.

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

6.11.3 INTERNET ACCESS

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

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

6.11.4 Electronic Mail and confidentiality

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

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

Employees are not authorized to retrieve or read email messages that are not sent to them.

6.11.5 REMOVAL OF CITY PROPERTY

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

6.11.6 USE OF PRIVATELY OWNED ELECTRONIC COMMUNICATIONS EQUIPMENT FOR PUBLIC JOB-RELATED PURPOSES

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

6.12 WAIVER OF PRIVACY

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

6.13 CITY VEHICLES

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

The use of city vehicles is restricted to city business purposes only. Employees using city vehicles shall not pick up or transport any private parties not directly involved with the work of the city. With prior permission of the Mayor, employees may travel outside of the city limits or transport spouses in city vehicles when attending conferences or meetings. Employees will be allowed to take home a city vehicle for “on-call” purposes only as designated by his or her department director and approved by the Mayor. City vehicles will be monitored and tracked by the City.

Employees using city vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a city vehicle. Thefts or accidents involving city vehicles must be reported immediately to the Police and Mayor. The improper, careless, negligent, destructive, reckless, or unsafe use of city equipment or vehicles may result in disciplinary action.

6.14 POLITICAL CAMPAIGNS

No city employee shall campaign on city time for any candidate or ballot measure at a federal, state, or local level. Employees are prohibited by law and this policy from using city equipment, property, funds or other resources to campaign for a candidate or ballot measure. After working hours, employees are free to campaign and support candidates and ballot measures in federal, state, county, and local campaigns as long as they do not use city property, funds, equipment or resources. No campaign banners, campaign signs, or other campaign literature shall be placed on any cars, trucks, tractors, or other vehicle belonging to the city.

6.15 DISCIPLINARY ACTION

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

Disciplinary action may include, but is not limited to:

- **Warning or Reprimand.** A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee’s violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
- **Suspension.** Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
- **Demotion.** A demotion is an action that places the employee in a position of less responsibility and less pay.
- **Termination.** A termination is a removal of an employee from city employment.

Chapter 7

POLICE

7.1 GENERAL

The nature of police duty demands procedures differently from city employees who are engaged in duties less hazardous to life and injury. Where possible, police department personnel will be covered by the

same policies of employment as other city employees. However, it is apparent that problems arising from and within exceptionally hazardous circumstances must be handled with a great degree of consideration due to the stress and danger involved in their employment.

Therefore, while considering with appreciation the unique circumstances of police department personnel, the following procedures are set forth to make as clearly as possible the requirements and expectations demanded of each police officer.

7.2 EMPLOYMENT GUIDELINES

ALL OFFICERS are to meet the guidelines of the Arkansas Law Enforcement Standards Office (ALESO),

- A. At least twenty-one (21) years of age.
- B. Be an American citizen.
- C. Have successfully completed High School and possess a High School or a G.E.D.
- D. Must attend the required course for Basic Police Training at the Arkansas Law Enforcement Training Academy within twelve (12) months of date of employment.
- E. Must pass the psychological and physical fitness tests with a licensed physician and psychologist in the State of Arkansas.

7.3 THE USE OF DEADLY FORCE

The use of deadly force by a Law Enforcement Officer against a person is governed by the following as prescribed by law, Arkansas Statute #5-2-607:

- A. Reports, Citations and other paperwork including Officers Daily Activity Sheets, Traffic Citations, Accident Reports, Impound Reports, and Arrest Reports will be turned in to the Chief of Police in a reasonable amount of time and if possible, at the end of the Officer's shift.
- B. All vehicles impounded will be inventoried by the arresting or seizing Officer before impoundment or shortly thereafter.
- C. Confiscation of evidence will consist of reasonable cause for the confiscation, filling out and completing a confiscation report and securing the evidence in the evidence room. The evidence will be logged in the evidence log record.

7.4 PAY SCHEDULE, ANNUAL LEAVE and SICK LEAVE

Pay, pay periods, annual leave and sick leave policies of Police Officers are outlined in section 5.0 Employee Benefits.

7.5 UNIFORMS

Uniforms will be issued to all Police Officers and will be worn at all times when on duty. Uniforms are the property of the City of Hardy and must be returned upon leaving the employee of the city.

7.6 CITY POLICE VEHICLES

Police vehicles are allowed to leave the City when on police business or when the Mayor, Chief of Police, or the Officer in Charge deems it necessary. Patrol vehicle will be kept clean at all times when weather permits. Requests for repairs will be made to the Chief of Police.

7.7 DISCIPLINARY ACTION

Disciplinary actions of Police Officers will be in accordance with the general policies adopted by the City

for disciplinary purposes of city employees with due consideration of the stressful nature of police duty.

7.8 PASSENGERS IN POLICE CARS

Passengers in police cars will be limited to elected City Officials, members of the Hardy Fire Department, full time Law Enforcement Officers, and Part-time Enforcement Officers employed by the City and anyone that the Chief of Police or the Officer in Charge deems it necessary. Only in emergency or during investigations will person other than the above be exempt. THIS RULE WILL BE OBSERVED.

Chapter 8

FIRE

8.1 GENERAL

The nature of fire department duty demands procedures different from city employees who are engaged in duties less hazardous to life and injury. Where possible, fire department personnel will be covered by the same policies of employment as other city employees. However, it is apparent that problems arising from and within exceptionally hazardous circumstances must be handled with a great degree of consideration due to the stress and danger involved in their employment.

Therefore, while considering with appreciation the unique circumstances of fire department personnel, the following procedures as set forth to make as clearly as possible the requirements and expectations demanded of each firefighter.

8.2 EMPLOYMENT GUIDELINES

ALL FIRE department personnel are to meet the following guidelines for employment set forth by the City of Hardy,

- A. At least twenty-one (21) years of age. (for vehicle operation)
- B. Be an American citizen.
- C. Must attend regular training programs as prescribed by fire department regulations.
- D. Must be physically fit to perform the demands of fire department assigned duties.

8.3 PAY SCHEDULE

Pay for volunteer fire personnel are outlined in section 4.4.5 Pay Plan.

8.4 ISSUED EQUIPMENT

Each Firefighter is issued a full set of turnouts, radio and beeper for which he or she is responsible to have in readiness for use at all times.

8.5 DISCIPLINARY ACTION

Disciplinary actions, if any, will be at the discretion of the Fire Chief. Firefighters not attending meeting and/or scheduled training courses are subject to suspension and possible dismissal.

Chapter 9

MISCELLANEOUS INFORMATION

9.1 POLICY STATEMENT

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

9.2 CONFLICTS

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

9.3 SEVERABILITY

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

To the extent that any law provides additional or different benefits or rights to employees, the provisions of this handbook shall be deemed to include those statements of law.

9.4 POLICY CHANGES

The City of Hardy serves the right to suspend, revoke, or revise any of the policies contained this handbook at any time.

9.5 CHANGE OF ADDRESS

Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head.

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Chapter 10

FORMS

APPENDIX A

RECEIPT OF CITY OF HARDY EMPLOYEE HANDBOOK
(To be placed in employee's personnel file)

I, _____, acknowledge receipt of the City of Hardy Employee Handbook.

I understand that this handbook is not a contract.

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

I understand that if I have any questions about the provisions contained in this handbook, I should direct them to Mayor, Recorder/Treasurer, Department Head or the City Council.

Signed _____

Date _____

I, _____ [*insert name and title of individual*],

provided a copy of the City of Hardy 2017 Employee Handbook to

_____ on this _____ day of _____, 20____.

Signed _____

Date _____

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APPENDIX B

EMPLOYMENT RECORDS RELEASE

TO: _____

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

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

EMPLOYEE (Signature)

EMPLOYEE (Printed Name)

STATE OF ARKANSAS

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____