

**CITY OF BENTON**

**EMPLOYEE HANDBOOK**

**Effective January 1, 2024**

### **A Letter From the Mayor**

Welcome to the City of Benton! As Mayor, I want to welcome you to your new position in our great city and to wish you every success in your new job.

The City of Benton's leadership, both elected and career staff, feel strongly that working for the public is among the highest callings. Our mission is to provide services and protection for the citizens, resources, and property of the City of Benton in an effective and efficient manner through comprehensive planning, open door communications, and quality operations. We strive to maintain a safe and cooperative working environment that supports the values of individual respect and courtesy for all employees and customers; and we are thrilled that you joined our team.

I hope your experience will be both challenging and rewarding! I look forward to you being a part of our team because TOGETHER, WE CAN DO MORE!

Sincerely,

Tom Farmer, Mayor

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## **I. INTRODUCTION**

### **A. About the City**

The City of Benton (City) is a municipal corporation which is chartered, organized, and operated under the laws of the State of Arkansas as a city of the first class. The City operates under a Mayor-Council form of government. The Mayor, City Attorney, and City Clerk are elected citywide to terms of 4 years each. The Mayor's position is full-time, and the City Attorney and Clerk are part-time positions. The legislative body of the City is the City Council, which is composed of 10 Council Members, who are elected from their respective wards for 4-year terms. *See Appendix.*

The City's business is conducted by Departments. The Department Heads are appointed by and report directly to the Mayor.

In addition to its Departments, the City has five Commissions that were established by ordinance to assist the Mayor and City Council. These Commissions include: (a) Advertising & Promotion; (b) Civil Service; (c) Historic District; (d) Planning & Zoning; and (e) Public Utility.

### **B. About this Handbook**

This Employee Handbook (Handbook) is designed to inform you about the City of Benton's philosophy, employment practices, and policies; and to comply with all applicable laws and regulations. Of course, no Handbook can answer every question, nor would we want to restrict the normal question and answer interchange among us. Our person-to-person interactions can help us work together in a harmonious relationship. This is the only way we can provide an excellent working environment that promotes genuine concern and respect for others. In addition, circumstances will undoubtedly require policies, practices, and benefits described in this Handbook to change from time to time.

Accordingly, the policies in this Handbook are to be considered as guidelines of general applicability. Special policies and procedures apply to uniformed employees in the Police and Fire Departments. To the extent not modified by Department-specific policies or requirements, or as otherwise contained in this Handbook, these policies apply with full force to all City employees. The City, at its option, may change, delete, suspend, or discontinue any part or parts of the policies in this Handbook at any time without prior notice. The City has the right to interpret these policies given the underlying facts of each matter. Employees may not accrue eligibility for monetary benefits that they have not earned through actual time spent at work. Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked. Similarly, this Handbook does **not** create an express or implied contract, or contract of any kind, between the City and the employee. Nothing in this Handbook guarantees or should be construed as guaranteeing employment for any specific duration of time.

Please read this Handbook carefully and refer to it whenever questions arise. If any statements in this Handbook are not clear to you, please contact the Human Resources Department for clarification. This Handbook supersedes any and all prior policies, procedures, and Handbooks of the City of Benton.

### **C.     Employment at Will**

Unless otherwise specified in this Handbook or by law, employment and compensation with the City is “at will,” which means that your employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the City or yourself, except as otherwise provided by law. The City requests proper notice of at least two (2) weeks prior to resignation, whenever possible. No Department Head, manager, officer, or representative of the City is authorized to represent to any employee that they are employed by the City on any basis other than at-will, except the Mayor.

Certain employees (uniformed police and fire) are subject to the Arkansas Civil Service laws as administered by the Benton Civil Service Commission. Civil Service rules concerning employment and discipline apply in the event of conflict between the policies in this Handbook and those of the Commission.

### **D.     Human Resources**

The task of handling personnel records and related personnel administration functions at the City has been assigned to the Human Resources Department. The minimum age for employment with the City is 16, subject to applicable child labor laws. The minimum age for hazardous positions like a Firefighter is 18, and 20 for Police Officer. Questions regarding insurance, wages, and interpretation of policies may be directed to the Human Resources Department. Keeping your personnel file up-to-date can be important to you with regard to pay, deductions, benefits, and other matters. If you have a change in any of the following items, notify the Human Resources Department as soon as possible:

1. Legal name
2. Home address
3. Home telephone number
4. Person to call in case of emergency
5. Number of dependents
6. Marital status
7. Change of beneficiary
8. Driving record or status of driver’s license, if you operate any City vehicles
9. Military status
10. Exemptions on your W-4 tax form

Coverage or benefits that you and your family may receive under the City’s benefits package could be negatively affected if the information in your personnel file is incorrect. In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes as soon as possible.

If an employee has any job-related certificates of training or other job-related achievements that they would like placed in their personnel file, please forward them to the Human Resources Department. The City may refer to your personnel file when we need to make decisions in connection with promotions, transfers, layoffs, and recalls.

All records required to be maintained with respect to employee medical documentation and voluntary self-identification of veteran and/or disability status are maintained in confidential files excluded from an employee personnel file and are not subject to inspection. Such confidential records are only used to the extent authorized by law. Employees should refer all requests for personnel information concerning applicants, employees, and past employees to the Human Resources Department. The Human Resources Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as employment dates, positions held, and work location. Each employee has the right to examine and copy the information contained in his or her own personnel file. Any employee who desires to examine and/ or copy their personnel record shall submit their request for inspection and copying to the Human Resources Director during regular business hours.

All inquiries from prospective employers concerning employment-related information on current and former employees should be directed to the Human Resources Department. The City will generally only provide information about the employee's date of hire, date of separation, job title, and rate of pay unless otherwise required by law.

**E.     Requests for Public Records and Media Inquiries**

The City's business shall be performed in an open and public manner and in compliance with the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.* Under the FOIA, meetings of the City's governing body are open to the public; and the City's public records must be made available for inspection and copying during regular business hours. The City charges \$0.08 per printed page for FOIA document production, and the actual cost of any digital media necessary to transmit such records. FOIA requests are to be handled by the affected Department Head in consultation with the City Attorney, where necessary. All requests for statements from the media or public generally shall be addressed to the respective department's public information officer. Only the public information officer has authority to respond to matters regarding the City's business, at each Department Head's discretion.

## **II. OPEN DOOR POLICY**

The fair, prompt, and just treatment of all employee problems or complaints is of primary importance to the City. Open communication is a vital part of a successful organization. Providing an atmosphere conducive to open discussion among all employees regardless of position is encouraged at all levels. Whenever you have a concern, feel free to speak up and communicate directly with us. In that regard, you can take the following steps:

1. Talk to your immediate supervisor. Your supervisor is most familiar with you and your job and is in the best position to assist you.
2. If your supervisor cannot help you resolve the matter or you do not feel comfortable talking with your supervisor, you can speak with your Department Head about your concern.
3. You may also contact the Human Resources Director as appropriate.
4. If the Human Resources Director feels that the situation warrants further review, he or she will ask for additional management involvement.

Remember: it is always best to try to resolve problems right away. Little problems tend to turn into big problems; facts become confused; and frustration tends to build over time when issues go unaddressed.

Employees covered by the Arkansas Civil Service statutes may appeal any decision made to the Civil Service Commission as provided by Benton Civil Service Handbook. Department Heads protected by Arkansas Statute may request a hearing of the City Council.

### **III. EQUAL EMPLOYMENT OPPORTUNITY IN THE WORKPLACE**

#### **A. Equal Employment Opportunities**

The City of Benton is an Equal Employment Opportunity employer, and it is our continuing policy to ensure equal employment opportunity in all aspects of employment. No person will be discriminated against in employment because of race, religion, color, genetic information, sex, sexual orientation, gender identity, age, national origin, disability, veteran status, or any other characteristic protected by applicable federal or state law. This policy applies to all terms, conditions, and privileges of employment and all policies of the City. Decisions on employment are based solely on the individual's qualifications for the position being filled and other legitimate business factors. Any promotional decisions will be based solely on the individual's qualifications as related to the requirements of the position for which the individual is being considered.

While all employees are responsible for adhering to this unwavering commitment to equal employment in the workplace, the Human Resources Director is responsible for formulating, implementing, coordinating, and monitoring all efforts in equal employment opportunity. Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the Human Resources Director.

Any employee, who believes he or she has suffered from discrimination, should report this concern to his or her Department Head or the Human Resources Director. All complaints of discrimination will be investigated promptly and in an impartial manner. The City prohibits any form of retaliation against employees for bringing good faith complaints or providing information about discrimination.

#### **B. Harassment and Bullying Prevention**

It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any individual that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. The harassment of any employee based upon protected status is contrary to this policy, may be considered a violation of federal or state law, and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, elected officials, and non-employees who have contact with employees during working hours.

Harassment is an annoying, persistent act or actions that singles out an employee to that employee's objection or detriment, because of race, religion, color, genetic information, sex, sexual orientation, gender identity, age, national origin, disability, veteran status, or any other characteristic protected by applicable federal or state law. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. Harassment may include any of the following:

1. Verbal abuse, harassment, or ridicule. This includes epithets, derogatory comments, slurs or unwanted advances, invitations, or comments based upon protected status or of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references.
2. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of their sex or other protected status.
3. Displaying or distributing offensive materials based upon protected status. This includes derogatory posters, cartoons, drawings, or gestures.
4. Discriminating against any employee in work assignments or job-related training due to an individual's protected status.
5. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions.
6. Making protected status innuendos.
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
8. Retaliation for having reported harassment.
9. Demeaning, insulting, intimidating, or suggestive written, recorded, or electronically transmitted messages based on protected status (such as email, text messages, instant messaging, and Internet material).

Harassing or offensive conduct in the workplace, whether committed by Department Heads, managers, nonsupervisory employees, or nonemployees, is prohibited. Simply put, harassment is never tolerated. It is every employee's responsibility to ensure that their conduct does not include or imply protected status harassment in any form. If, however, such harassment or suspected harassment has taken place or is taking place, the following will apply:

1. Any harassment or suspected harassment should be reported to your supervisor or Department Head. In the event of a conflict with the supervisor or Department Head, the employee should report the harassment to the Human Resources Director, or to the Mayor directly, if the employee has a conflict with the Human Resources Director. While the complaint does not have to be in writing, if possible, it should be submitted in writing and set forth all pertinent facts.
2. Any supervisor who receives a report of, or has knowledge of, such harassment shall promptly inform the Department Head, who then should notify the Human Resources Director.
3. Each complaint shall be investigated, and a determination of the facts will be made on a case-by-case basis. The appropriate individuals will then take appropriate action up to and including discharge. Because each complaint of harassment is investigated on a case-by-case basis, the appropriate scope of any given investigation is a business judgment solely within the scope of the City's discretion. Employees are expected to cooperate in any investigation.
4. The results of the investigation shall be kept confidential to the extent practicable and provided only to those employees of the City on a need-to-know basis.

The City will not tolerate harassment or any form of retaliation against an employee, who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge. False accusations are considered serious and may result in disciplinary action up to and including termination of employment.

**C. Reasonable Accommodations**

Consistent with the City's Equal Employment Opportunity commitment, with respect to individuals with disabilities, the City will provide reasonable accommodations to applicants and employees, who are qualified individuals with disabilities and those individuals experiencing symptoms associated with pregnancy and childbirth, if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or direct threat to health and safety. If you believe you need accommodation because of your condition, you are responsible for requesting a reasonable accommodation from Human Resources. Employees are encouraged to make their requests in writing to the Human Resources Director and to include relevant information, such as:

1. A description of the accommodation you are requesting.
2. The reason you need accommodation.
3. How the accommodation will help you perform the essential functions of your job.

The City encourages you to suggest specific reasonable accommodation that you believe would allow you to perform your job. However, the City is not required to provide the specific accommodation requested by you. Human Resources makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation, and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship or direct threat. You may be required, in line with applicable federal, state, and local laws, to provide information related to your request for a reasonable accommodation from your health care provider, and you may be requested to provide consent for the City to contact your health care provider.

The City expressly prohibits any form of retaliation against any individual for requesting an accommodation in good faith.



#### IV. SERVICE STANDARDS AND CITIZEN RELATIONS

The City of Benton has high expectations of excellent customer service. In every action, no matter how seemingly insignificant it may appear, we strive to be exceptional. Exceptional competency. Exceptional service and hospitality. Exceptional attitudes. And exceptional teamwork. That is what makes the City of Benton exceptional, and we strive to foster good personal experiences for all individuals, who interact with City employees.

The public's most basic expectation and right is to be treated with courtesy and respect. We are a team of professionals committed to providing exceptional service and exceeding, not just meeting, our customer's needs and expectations. These statements are valueless though, unless we all reflect this commitment in our behavior. To that end, we have spent considerable time developing these standards, and we hope that they guide you in your goal for excellence:

1. **Be Welcoming.** Welcome visitors immediately in a friendly manner. Our first impressions are critical.
2. **Be Sensitive.** Our constituents have myriad needs for which they contact the City. Please be sensitive to their individual circumstances and treat others how you would want to be treated.
3. **Be an Excellent Communicator.** Communication excellence is achieved when we fully understand and meet the needs of our constituents. Give your full attention to anyone who is addressing you. Watch for both their verbal and non-verbal messages. Tone of voice or how something is said is equally as important as the words used. Our constituents judge us by the quality of their interaction with the people who help them. Listening attentively will help you to fully understand and meet their needs.
4. Be courteous, clear, and speak in terms that are easy to understand. Any time you are on the telephone, remember the **SMILE** principles: Be Sensitive to your caller's needs. Make their call Meaningful for them. Let them know their call is Iimportant. Listen to their concerns. Remember you are Empowered to help find a resolution. Therefore, answer all calls before the fourth ring, when possible. This enhances our reputation for promptness and caring. Identify yourself and your department and then ask, "How may I help you?" Ask for permission before putting the caller on hold and then thank them for holding when you return. Offer other options, such as leaving a message or asking the appropriate person to return their call. Repeat all relevant information for verification. This step alone will often save you from any miscommunication.
5. **Be Responsible.** Take personal responsibility and authority to ensure that any problem or issue you encounter is resolved or is directed to someone you are confident can resolve it before you consider your part completed. Saying "not my job" or "not my problem" falls below the City's expectations. We are a team, and when you are confronted with an issue, take responsibility to resolve it (within your area of knowledge) or search until you are certain that you have found someone who can.
6. **Be Prompt.** Our constituents' time is very valuable, and we strive always to provide them with prompt service.

## **V. CONDUCT GUIDELINES AND EMPLOYMENT POLICIES**

### **A. Conduct and Performance Expectations**

Proper conduct and performance are essential requirements in any work environment. If there are times when those standards are not being met, then the supervisor may need to point out performance or behavioral problems that require the employee's attention and improvement. In those instances, management may rely on various disciplinary measures ranging from verbal reminders up to and including termination. There is no requirement that discipline follow any specific sequence. Based upon the severity of the conduct, termination may result from the first offense. The specific disciplinary action utilized will depend upon various factors, including the nature of the violation, prior work history, and tenure. The following are examples of actions that may result in disciplinary action, up to and including immediate termination:

1. Failure to comply with all lawful rules, policies, and directives, including but not limited to those set forth in the Employee Handbook, such as its safety policies.
2. Excessive absenteeism, tardiness, failing to report for a scheduled shift, leaving early without supervisor permission, being absent from work without notice or any other violations of the City's Attendance Policy.
3. Refusing to follow instructions, orders, or directives, or to otherwise perform assigned work.
4. Poor work performance, including inefficient or negligent performance of assigned duties, loafing on the job, sleeping on the job, and/or negligent/intentional restriction of output or any other slowdown.
5. Tobacco and food in unauthorized areas.
6. Failure to comply with the City's policies relating to a drug and alcohol-free workplace.
7. Theft and/or dishonesty, or any attempt thereof. This includes, but is not limited to, misappropriation of property or merchandise and concealment of errors/mistakes.
8. Engaging in conduct that endangers the life, safety, or property, such as fighting, making threats of physical harm, assault, and horseplay.
9. Falsification of documents, timesheets, or reports/records.
10. Threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.
11. Violations of any local, state, or federal laws or regulations.
12. Intentional or negligent damage to merchandise or property belonging to the City, another employee, or the City's customers.
13. Indecent conduct, including but not limited to, vulgarity, excessive use of profane language or indecent exposure.
14. Excessive personal phone calls/texting. Calls/texts are to be kept to a minimum and as brief as possible.
15. Poor productivity, workmanship, or the performance of unauthorized work.

Generally, employees' personal lives are not the City's concern; however, off-duty behavior should not negatively interfere with the performance of work at the City.

## **B. Policies Regarding Employment**

### **1. Attendance Policies & Call-Ins**

It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. Employees' work schedules/hours of work will be set by the employees' Department Head. Excessive tardiness and poor attendance disrupts workflows and will not be tolerated unless otherwise excused. Employees must call their supervisor to inform the City of any unscheduled absences or tardies. Failure to follow the City's call-in instructions will be subject to disciplinary action, up to and including termination.

### **2. Absence, Lateness or Early Departure.**

From time to time, it may be necessary for you to be absent from work. The City is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your work hours may arise. If you are unable to report to work, if you will arrive late or need to leave early, please follow the call-in procedures immediately. If you know in advance that you will need to be absent, you are required to request this time off directly from your supervisor. He or she will determine when will be the most suitable time for you to be absent from your work. For late arrivals, please indicate when you expect to arrive for work. Similarly, if you need to leave early, please indicate when you will need to leave work. Notifying a fellow employee is not sufficient for unexpected absence, leaving early or tardiness. If you are unable to call in yourself because of an illness, emergency, or for some other reason, be sure to have someone call on your behalf.

Employees who are absent from work for more than three (3) consecutive days without giving proper notice will be considered as having voluntarily quit. At that time, the City should formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

Employees absent from work for any unapproved sick or not previously arranged/approved sick leave on the day before, of, or after a holiday will be required to provide written documentation from your doctor. If written documentation from a doctor is not received, the leave time will be either vacation or leave without pay.

If you are absent because of illness for three (3) or more successive days, you will be required to submit written documentation from your doctor. If you are absent five (5) or more days because of illness, you may be required to provide written documentation from a doctor that you are able to resume normal work duties before you are allowed to return to work. Your adherence to the attendance expectations and call-in procedures will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as scheduling layoffs, etc.

### **3. Tardiness and Early Departure.**

Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting times. Employees must record all absences and, for non-exempt employees (those subject to the minimum wage and overtime

requirements of applicable state law and the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.

#### **4. Permission to Arrive Late or Leave Early.**

All employees must obtain permission from their supervisor to leave work early. Failure to obtain such permission constitutes abandoning the employee's post and is considered a serious violation. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is unauthorized if the employee has not followed proper notification procedures, or the absence has not been properly approved.

#### **5. Notification of Absence, Lateness, and Early Departure.**

Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. In cases of unexpected absence or tardiness, employees must follow the City's call-in procedures. Failure to notify the City properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

#### **6. Reporting to Work in Appropriate Attire.**

Employees who report for work in improper attire may not be permitted to work.

#### **7. Inclement Weather**

The safety of our employees is important, and it must be understood that it is the policy of the City of Benton to remain open during most periods of inclement weather. However, where extraordinary circumstances warrant, the City reserves the right to close its offices.

An employee's decision of whether to depart for work earlier or later, or at all, should not be based solely on the announcement of the initial weather policy, but rather, that decision is an individual responsibility based on local conditions and the individual's own assessment of what road conditions they feel they can safely travel in; Safety is the primary consideration. Absences will be charged as outlined below.

In the event of early morning severe inclement weather conditions, the Mayor's office will determine whether the inclement weather policy will be placed into effect and will announce its implementation by 7:00 a.m. if at all possible, via local media.

#### **Offices Open with a 2-Hour Delay**

Non-Emergency Essential Personnel are expected to report to work by 10:00 a.m. Employees arriving by 10:00 a.m. will be given credit for a full day's attendance. Employees with a previously approved late arrival will not be given credit and will only receive pay for hours worked. Employees not coming into work will be charged a full day of vacation.

Emergency Essential Personnel, such as Police, Fire, and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictate.

**Offices Closed**

If City offices are announced to be closed due to inclement weather, all non-emergency essential exempt level staff will receive their regular pay for the day of closure. For non-emergency essential hourly employees on a day of closure, a full-time employee will receive an amount equivalent to four (4) hours of base pay for the day and a part-time employee will receive an amount equivalent to two (2) hours of base pay for the day.

Employees on previously approved leave are charged leave for the entire day.

Emergency Essential Personnel, such as Police, Fire, and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictate.

**Offices Open**

If City offices remain open on an adverse weather day, employees who report to work will receive their normal pay for the day. If an employee elects not to report to work when offices are open, the employee will be required to use his or her accrued vacation or take leave without pay.

**Offices Open with Early Departure**

Non-Emergency Essential Personnel will be released at what will become a revised dismissal time. Employees will be given credit for a full day's attendance.

Employees with a previously approved early departure will not be given credit and will only receive pay for hours worked. Employees on previously approved leave are charged leave for the entire day.

Emergency Essential Personnel, such as Police, Fire, and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictate.

Each department will establish an alert roster. When doubt as to whether to report to work or not, all employees should call their first-line supervisor or follow their chain-of-command for specific information.

Time absent from work due to inclement weather is not counted as hours worked when computing overtime.

**8. Refusal to Work**

As City of Benton employee's commitment is to public service, any work stoppage, slowdown, strike or other intentional interruption of the operations of the City, may cause the employee to forfeit his/ her employment and result in the termination of the employee from the City of Benton.

**9. Bulletin Boards**

The City maintains bulletin boards for the sole purpose of communicating information from the City to its employees and to post notices required by law. Only designated management personnel may place notices or take down materials from the bulletin board. Please read the boards regularly.

You are expressly notified that the following notices are included on all City bulletin boards: (1) Federal Minimum Wage; (2) State Minimum Wage; (3) Unemployment Insurance; (4) Workers' Compensation; (5) Equal Employment Opportunity is the Law; (6) Employee Polygraph Protection Act; (7) Your Rights Under USERRA; (8) OSHA: Job Safety & Health Protection; and (9) FMLA Leave Poster. These postings are also available upon request from the Human Resources Director during normal business hours. *See also Appendix.*

## **10. Code of Ethics**

Every employee must practice the highest possible standards of ethical behavior. We take our public service obligations seriously because we know that our community depends on us to use honesty, fairness, and integrity in all aspects of our business and personal conduct. For this reason, each of us must take responsibility for understanding the City's expectations concerning our behavior. Underlying and supporting ethics at the City is the personal integrity of each of our employees and the highest standards in their personal and professional conduct. Our Code deals both with "doing things right" and with "the right thing to do," to maintain our personal and institutional integrity. This is an area in which there can be no compromise with the highest standards. The City's reputation, and that of its employees, is its greatest asset. Violations of the Code of Ethics constitute grounds for disciplinary action, up to and including termination. Employees are expected to act fairly and honestly in all transactions with the City and with others, and to maintain the high ethical standards of the City in accordance with this Code of Ethics. If an employee is unsure whether there may be a violation of the Code of Ethics, the Human Resources Director should be contacted for guidance.

The City strives to comply with all laws and regulations that are applicable to its operations. Although laws and regulations may sometimes be ambiguous and difficult to interpret, as a good community citizen, the City emphasizes good faith efforts to follow the spirit and intent of the law.

Each employee shall act in good faith with due care to assure the full, fair, accurate, timely, and understandable disclosure in all reports or other communications made by the City. The City is committed to making and keeping books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the City's assets and, in that connection, has established the following guidelines for its employees.

- a. No employee may make any false or misleading entry in the City's books and records.
- b. No employee may create or aid in the creation of any undisclosed or unrecorded fund, asset, or liability for any purpose.
- c. No employee may approve or make any payment with the agreement or understanding that any part of such payment is to be used for any purpose other than that described by the documents supporting the payment.
- d. No employee may use the City's funds, assets, or liabilities for any unlawful purpose.
- e. No employee may directly or indirectly take any action to coerce, manipulate, mislead, or fraudulently influence the City's auditors for the purpose of rendering the financial statements of the City materially misleading.

Employees must comply with all internal control procedures established by the City for the safeguarding of assets and proper reporting and disclosure of financial information.

Discovery of events of a questionable, fraudulent, or illegal nature, of which appear to be in violation of the Code, must be promptly reported to the Human Resources Director. Failure to report such events also constitutes a violation of the Code. Employees will not be subject to retaliation because of a good faith report of a suspected violation. Retaliation in any form against an individual, who reports a suspected violation in good faith, even if the report is mistaken, or who assists in the investigation of a reported violation, is strictly prohibited. Any act or threatened act of retaliation should be reported immediately to the Human Resources Director.

## **11. Conflicts of Interest**

The primary principle underlying the City's conflicts of interest policies is that employees should avoid any circumstance or activity that might create a conflict of interest for the employee or the City. For instance, a conflict is deemed to exist when an employee gives, offers, or promises, directly or indirectly, anything of value to any person or representative of a firm, corporation, or government agency that sells or provides a service to, purchases from, or competes with the City, such as holding an ownership or financial interest in such an entity or otherwise accepting gifts, money, or services from such persons or entities. Employees must avoid personal transactions or situations in which their personal interest will conflict or appear to conflict with those of the City. This policy requires that all situations involving a conflict of interest or potential conflict to be disclosed. No employee may act on behalf of the City in any transaction involving persons or organizations with whom his or her family has any significant connection or financial interest.

Gifts or favors given to directors, officers, and employees of nominal value (not to exceed \$100.00) are acceptable to the extent that they are appropriate and suitable under the circumstances, meet the standards of ethical business conduct, involve no element of concealment, and do not violate applicable laws and regulations. Examples of circumstances in which the receipt of a gratuity would be permitted include:

- a. Reasonable business lunches and dinners
- b. Athletic or entertainment events
- c. Holiday gifts of nominal amounts

Examples of circumstances in which the receipt of gratuity would not be permitted include:

- a. Expensive gifts
- b. Weekend entertainment events (i.e. hunting or fishing trips, etc.)
- c. Scarce or expensive athletic or entertainment tickets

No employee may accept personal fees, tips, or commissions in connection with any transactions on behalf of the City unless approved by the Mayor.

## **12. Community Activities**

The City recognizes the importance of community participation. The City encourages and supports your voluntary participation in service activities and civic groups that contribute to the community; however, such outside events should not conflict with your duties to the City.

### **13. Credit Investigation**

The City may conduct a pre-employment credit check on all applicants and employees as allowed under state and federal law. Your employment with us may be conditional upon our review of the information in the credit check. The City reserves the right to conduct this credit check at any time after you have been employed. Remember, you have certain legal rights to discover and to dispute or explain any information prepared by the credit checking company.

### **14. Dress Code/Personal Appearance**

Employees are an important part of the City's public relations. Their appearance and conduct will influence opinions of the City's professionalism. Employees should present a well-groomed and professional appearance. Without unduly restricting individual tastes, the City encourages personal cleanliness, good grooming, and appropriateness of attire, while employees are on duty. An employee's appearance is unacceptable if it hinders or is detrimental to the service and performance of the City as a whole or to the employee's own job performance. Each Department may have its own standards.

### **15. Driving Record and Standards When Operating a Motor Vehicle**

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to our insurer. Any changes in your driving record must be reported to your Department Head immediately. Failure to do so may result in disciplinary action, including possible dismissal. The City may independently request a background check periodically regarding an individual's driving history. Special procedures apply for uniformed employees. Consult with your Department Head for additional information.

Employees are required to familiarize themselves and always comply with the laws of the state/locality in which they are traveling. No employee is to engage in the use of a mobile phone while operating a motor vehicle that is in motion, unless such mobile phone is equipped and used with a hands-free device. Nothing in this policy shall restrict the exceptions for certified law enforcement officers and firefighters as described in Arkansas Code 27-51-1504. The only other exception to this policy is where a phone call is made in a bona fide emergency, such as to call "911" or a similar emergency number—e.g., to call an ambulance or the fire department. Reading or sending text messages or email is strictly prohibited at any time while operating a motor vehicle or other powered equipment. Any individual authorized to operate a City vehicle in the course of employment must satisfy the following requirements:

- a. You must be a licensed driver within the state of Arkansas.
- b. You and any authorized passengers must properly always wear a safety belt.
- c. You are responsible for following all the manufacturer's recommended maintenance schedules to maintain valid warranties, and for following the manufacturer's recommended oil change schedule.
- d. You are responsible for paying any moving and nonmoving violation tickets.
- e. You must keep the vehicle clean at all times.
- f. You must not allow unauthorized persons to operate or ride in a City vehicle.



## **16. Employee Referral**

Open positions may be posted on the City's website. Employees are encouraged to recommend and refer qualified candidates for employment with the City. If you know of someone who would like to work here, we will be glad to consider them for appropriate openings. There may be times that management repositions employees to various areas or departments, which would not be considered an open job position to be posted.

## **17. Entering & Leaving the Premises**

At the time you are hired, you will be advised about the proper entrances and exits for our employees, as well as opening and closing procedures. You are expected to abide by these rules at all times. Failure to do so may lead to disciplinary action. You may not be allowed to enter City property after normal working hours for any reason without the express approval of your supervisor.

## **18. Expense Reimbursement**

All employees shall comply with expense reimbursement and purchasing policies and procedures. For more information on these policies and procedures please contact your Department Head.

## **19. Financial Responsibility**

The City may conduct credit checks of applicants for employment in accordance with its Hiring Policy. In addition, the City may obtain further credit checks on current employees under investigation, being considered for promotions, or transfers to position where personal financial considerations may impact the employee's ability to perform the job. This authorization to conduct credit checks will remain in effect during the full course of employment or until revoked in writing by the employee. The City will not deny employment to, or terminate the employment of, any person solely because that person has filed a petition for bankruptcy. In general, the personal finances of our employees are private. However, because our employees represent the City, it is important that employees manage personal finances properly and in a prudent manner.

Under no circumstances shall any individual take advantage of his or her position with the City to obtain credit, solicit, or accept financial or monetary benefits or, in any way, influence the decisions of the City for financial gain. Employees should manage their personal finances so that they do not adversely affect job performance or the City's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City through extra bookkeeping and the need to respond to legal notice and court orders. Successive judgments, levies, court orders, a history of overdrafts, non-sufficient funds, past due loans, and other negative account activity could result in disciplinary action, up to and including termination of employment, based on frequency, the cause, and previous disciplinary action. The City will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.

## **20. First Aid and Safety**

Federal law requires that we keep records of illnesses and accidents that occur during the workday. If you hurt yourself or become ill, please contact your supervisor for assistance. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. In the course of our operations, hazardous materials and infectious wastes may be

used or generated. You must comply with environmental and occupational laws and regulations and follow appropriate safety procedures. Federal and state laws regarding the promotion of environmental and occupational safety are designed to ensure that each of us work in a safe environment. If you become aware of or suspect an infringement of environmental or occupational safety laws or rules, you must immediately advise your Department Head.

## **21. Housekeeping**

Neatness and good housekeeping are signs of efficiency. You are expected to keep your work area neat and orderly at all times -- it is a required safety precaution. Easily accessible trash receptacles are located throughout our facilities. Please put all litter in the appropriate containers. Always be aware of good health and safety standards, including fire and loss prevention. Keep work areas neat and free of clutter including the floor. Please report anything that needs repairing or replacing to your supervisor immediately.

## **22. Outside Employment**

Full time employees are expected to devote their efforts exclusively to the City and may not accept outside work for compensation without prior approval from his/her Department Head. The City does not permit its employees to pursue outside employment that, in the judgment of the City, may create a conflict of interest between the City and the employee.

## **23. Parking Lots**

Please only park in those areas designated for employee parking. Please keep in mind that the parking spaces adjacent to or in front of our building(s) (closest to the main door) are for visitors only. Remember to lock your car every day. The City accepts no responsibility for theft or damage to any vehicles in its parking areas.

## **24. Personal Phone Calls/Cell Phones & Mail/Email**

Please limit and keep personal phone calls and other correspondence to a minimum—they must not interfere with your work. Cell phones must be kept on silent, unless authorized by your supervisor and only used during lunch or break periods. You are permitted to make limited local area calls on City telephones for essential personal business during lunch or “break” periods only. Please do not abuse this privilege. Emergency calls regarding illness or injury to family members, changed family plans, or calls for similar reasons may be made at any time. Incoming urgent calls will be directed to you. Employees may be required to reimburse the City for any expenses incurred for personal business (for example, long-distance telephone calls, fax machine use, etc.). There should be no expectation of privacy in the use of City telephones. The City retains the right to record all telephone conversations that take place on its phones to ensure compliance with applicable laws and procedures.

The City may issue a business cell phone to an employee for work-related communications when the job requires immediate access to an employee. Such cell phones are to be used for business purposes only. Employees in possession of business cell phones are to protect them from loss, damage, theft, or unauthorized use. Upon resignation or termination, or at any time upon request, the employee may be asked to produce the phone for return or inspection. An employee unable to present a phone in good working condition will be expected to reimburse the City for the cost of the replacement.

The City of Benton encourages the business use of computers and the internet (including email) as an integral part of its overall business operation. Use of computers and the internet is encouraged to:

- a. Provide an efficient method to exchange information within city offices, between local governmental officials, and to the public.
- b. Provide sources of data to assist city employees in accomplishing their tasks.

It is unacceptable for a user to use, submit, publish, display, or transmit on the city computer system or the internet network any information which:

- a. Violates or infringes on the rights of any person, including the right to privacy.
- b. Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased discriminatory or illegal material.
- c. Violates the City's policy prohibiting harassment.
- d. Restricts or inhibits other users from using the system or the efficiency of the computer systems.
- e. Encourages the use of controlled substances or uses the system for the purpose of criminal intent.
- f. Uses the system for any other illegal, immoral, or unethical purpose.
- g. Non-business or personal use.

Email is considered network activity and thus is subject to all policies regarding acceptable/unacceptable uses of the internet, and the user should not consider email to be either private or secure.

## **25. Personal Property**

Please understand that the City cannot assume any responsibility for loss or damage to personal property of any employee. You should not leave personal property at the workplace.

## **26. Political Activity**

Employees have the right to engage in political activity while out of uniform, unless such activity would otherwise violate this handbook. However, all political activity must be on the employee's own time, outside of working hours, or when the employee is on Personal Leave, Vacation time off, or Leave without Pay. An employee may not use City offices, their affiliation with the City, or the City's name, symbols, property, or supplies in any political activity. No political banners, posters, or literature may be placed or held in City offices. No political bumper stickers or decals may be placed on city vehicles or other city property. An employee choosing to be a candidate for any elected office, local, national or statewide, may take a Leave of Absence without pay at the time of filing or will otherwise be required to comply with this policy in regard to campaigning.

## **27. Protection and Proper Use of City Assets**

All employees must protect the City's assets and ensure their efficient use. Except for incidental personal use, City assets should be dedicated to legitimate business only. Employees shall return all City of Benton property immediately upon request or upon termination of employment.

## **28. Promotion Policy**

Whenever a position becomes available, every effort will be made to fill it by promoting a qualified employee. Factors that will be considered when making promotion decisions include, but are not limited to, experience, individual ability, past job performance, and length of service. By utilizing all opportunities for education and performing your job excellently, you may become qualified to fill a position of greater skill, responsibility and value at the City. The City will always continue to look outside the City for potential employees as well.

## **29. Employment of Relatives (Nepotism)**

We hire people based on their qualifications for the job. To make sure this standard is always upheld, and to maintain the integrity of our operations, we have certain restrictions on when and where relatives of employees can be hired and if related employees can work together. Related employees cannot directly supervise one another, discipline, or have any other influence over each other's work that could be perceived as favoritism. For the purpose of this policy, "immediate family" includes: the employee's spouse, brother, sister, father, mother, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandchild, and any other member of the employee's household. The decision whether to hire a member of an employee's immediate family must also have the approval of the Department Head and Mayor.

## **30. Solicitations, Fundraising, & Distributions**

Except with proper approval, individuals are not authorized to distribute material or solicit on the City's property or in work areas that are not designated as a public forum. There shall be no solicitation of any kind, including solicitations for memberships or subscriptions, at any time by employees during their working time or in such a way as to interfere with the work of other employees. No distribution of literature or materials of any kind, including circulars, shall be permitted in any work area during working time. The City maintains its posting areas for the sole purpose of communicating information to its employees and to post notices required by law. Only designated management personnel may place notices or take down materials from the posting areas. Each employee is encouraged to review the posting areas on a regular basis.

## **31. Theft**

Property theft of any type will not be tolerated by the City. We consider property theft to be the unauthorized use of City services or facilities or the taking of any City property for personal use. The following list of examples is not all-inclusive but provides illustrations of several activities which are unacceptable. The City's computers (the computers in the office, or laptops made available for work away from the office) are for business purposes and should be treated and handled with care. Use of technology for non-business purposes should be avoided.

No item purchased or supplied by the City should ever be removed from City premises without express authorization of your Department Head. This rule applies to all City property. Employees may be subject to random searches as they leave City facilities as authorized by a Department Head based on reasonable suspicion.

Unauthorized possession or removal of City property is a very serious offense. Employees violating this Policy will be subjected to discipline up to and including dismissal and prosecution.

## **C. Performance Reviews and Disciplinary Actions**

### **1. Appraisals of Performance**

Your supervisor is continuously evaluating your job performance. Regular interaction between you and your supervisor should give you a sense of how your supervisor perceives your performance. In addition, the City will conduct a formal review once a year for each full-time employee. New employees may be reviewed more frequently. A review may also be conducted in the event of a promotion or change in duties and responsibilities.

The City believes that you should know the expectations of your job – that is, what you’re expected to do or what results you need to achieve in order to successfully perform the work required for your position. These expectations can be communicated to you through established standards for your position, the performance appraisal process, or specific criteria developed by your Department Head. If your performance or behavior is not acceptable or requires improvement, your Department Head may take corrective action that could include counseling or immediate termination, depending on the circumstances.

### **2. Counseling and Disciplinary Action**

All counseling and disciplinary action is administered without regard to race, religion, color, genetic information, sex, sexual orientation, gender identity, age, national origin, disability, veteran status, or any other characteristic protected by applicable federal or state law. The type of corrective action implemented will vary depending upon the nature of the violation or offense. Length of employment, performance, and prior work history may also be relevant in arriving at a determination as to the necessary discipline. If your performance or behavior is not acceptable or requires improvement, your Department Head may take corrective action that could include counseling or immediate termination, depending on the circumstances.

The employment-at-will provisions of this Handbook govern separation of employment. Subject to those expressed limitations, employees are requested to give written notice of their intent to resign and to give at least two (2) weeks’ notice. If you find it necessary to resign for any reason, you are encouraged to submit a letter stating the reason for your resignation. Final payout of accrued time will be processed within seven (7) days of the employee’s final paycheck of time worked. For information about the handling of your benefits, contact the Payroll Coordinator.

Employees who are absent from work for more than three (3) consecutive days without being excused or giving proper notice, will be considered as having voluntarily quit. Terminated employees may be eligible for future employment if recommended by their Department Head and approved by the Human Resources Director.

Employees who fail to give at least two weeks’ notice when voluntarily terminating, and employees, who are involuntarily discharged, will not be paid accrued and unused leave upon their termination, unless otherwise required by law. For information about the handling of your benefits, contact the Human Resources Director.

#### **D. Return of City Property**

All City property must be returned to your Department Head before leaving employment with the City or whenever it is requested by your Department Head or a member of management. This includes any credit cards, keys, uniforms, passwords for phones/computers and any other City equipment or property in your possession. We require that arrangements be made concerning any outstanding debts owed to the City, or to you, such as mileage, etc., before the employee's last day of work. You are responsible for paying for any lost or damaged items. The value of any property issued and not returned, may be deducted from your paycheck, and you may be required to sign a wage deduction authorization for this purpose.

#### **E. Safety Rules**

##### **1. General Safety Rules**

Safety is the responsibility of every employee. All employees must exercise sound judgment and safe practices. The City makes reasonable efforts to provide for the security of its employees, property, and visitors. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City premises and while away from the premises on business. Employees are expected to know and comply with the City's security procedures and should report any violations or potential problems to the Human Resources Director. Violations of the City's security rules or procedures will result in disciplinary action, up to and including termination. In addition, illegal acts committed by employees may be reported to law enforcement authorities. Among other things, unless the specific duties of the position dictate otherwise, the following guidelines should be followed at all times:

- a. Follow all departmental safety rules.
- b. Use all mechanical safeguards on, or for employee equipment.
- c. Immediately cease using and report any faulty or potentially faulty equipment to your Supervisor or Department Head.
- d. Immediately report any unsafe or potentially unsafe working condition or equipment.
- e. Immediately report any accident or incident to your Supervisor or Department Head.
- f. Avoid overloading electrical outlets with too many appliances or machines.
- g. Use caution with flammable items, such as cleaning fluids.
- h. Walk – don't run.
- i. Use stairs one step at a time.
- j. Report to your supervisor if you or a co-worker becomes ill or is injured.
- k. Ask for assistance when lifting heavy objects or moving heavy furniture.
- l. Smoke only in designated smoking areas. All Parks Facilities and properties are nonsmoking.
- m. Keep cabinet doors and file and desk drawers closed when not in use.
- n. Do not burn candles.
- o. Sit firmly and squarely in chairs that roll or tilt.
- p. Wear or use appropriate safety equipment as required in your work.
- q. Do not participate in horseplay or practical jokes.
- r. Start work on any machine only after safety procedures and requirements have been explained (and you understand them).

- s. Keep your work area clean and orderly, and the aisles clear.
- t. Stack materials properly so they will not fall.
- u. Watch out for the safety of fellow employees.
- v. No sitting on desk furniture/tables.

**No Expectation of Privacy.** Employees may be searched, questioned, and subject to surveillance whenever the City believes this is necessary to maintain security or upon reasonable suspicion by a Department Head. All personal property brought onto the City's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection because employees should not have any expectation of privacy in or on City premises or property (such as desks, drawers, closets, lockers, file cabinets, etc.). Vehicles parked on City property may also be subject to inspection. In addition, the City may inspect the contents of storage areas, file cabinets, desks, and workstations at any time and may remove all City property to ensure safekeeping and compliance with all applicable laws.

**Polygraph Examinations.** Employees may be asked to take a polygraph examination, or similar detection device, when the City is investigating economic losses such as those resulting from theft, embezzlement, sabotage, or similar economic injury. Before ever being asked to take a polygraph examination, you will be given notice. Different policies apply to uniformed officers and can be accessed within the Department.

**Removal from Property.** Any person, who verbally or physically threatens another, exhibits threatening behavior, or engages in violent acts on City property, may be removed from the property, at the City's discretion in the interest of safety, and will remain off City property pending the outcome of an investigation. If the City determines that violations of this or other policies have occurred, the City will take appropriate disciplinary action, up to and including termination of employment.

**Protective Orders.** An employee who obtains a protective or restraining order from a court, which covers City premises, must provide a copy to his or her Supervisor, Department Head and the Human Resources Director.

**Immediate Safety Threats & Injuries.** Violent behaviors that pose immediate danger should be reported right away using emergency contact numbers such as 911. Such information must also, as soon as practicable, be communicated to his or her Supervisor, Department Head and the Human Resources Director.

## **2. Violence in the Workplace**

Workplace violence is strictly prohibited. "Violence" includes, but is not limited, to the following conduct:

- a. Violent or threatening physical contact (including fights, pushing/shoving, and physical intimidation)
- b. Verbal abuse (e.g., excessive use of profanity and/or usage of inappropriate sexual comments) of employees, customers, or visitors
- c. Sending threatening communications to others that are considered as true threats of assault or physical harm by the recipient.

- d. Stalking
- e. Excessive displays of anger (i.e., slamming doors, punching walls, throwing objects)

Every employee has a responsibility for maintaining the safety and security of the workplace. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property during work hours; while participating in any City function or activity; while engaging in City business; or while representing the City in any manner will not be tolerated.

Any potentially dangerous situations must be reported immediately to a supervisor or the Department Head. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them.

#### **Risk Reduction Measures:**

**Hiring:** The Human Resource Department takes reasonable measures to conduct background checks to review candidate's backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

**Safety:** The City conducts annual inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

**Individual Situation:** While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgement and to inform the Human Resources Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation.

**Employees at Risk:** The Human Resources Department will identify and maintain a list of employees who have been determined to be at risk for becoming victims of harassment, violence, or threats from a non-employee. Human Resources will involve the Police Department to design a plan with at-risk employees to prepare for any possible emergency situations.

### **3. Weapons in the Workplace**

Excluding law enforcement officers, the City prohibits all persons, who enter City property, from carrying a handgun, firearm, or weapon of any kind, regardless of whether the person is licensed to carry the weapon or if a license is not required. This policy extends to all City property. All City employees are also prohibited from carrying a weapon while in the course of performing their job or any task on the City's behalf, whether or not they are on City property at the time and whether or not they are licensed to carry a weapon—the only exception being for law enforcement officers or persons who have been given prior written consent to carry a weapon while performing specific tasks on the City's behalf or as authorized by the Mayor.

Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy. If you have a question about whether an item is covered by this policy, please call your Department Head or the Human Resources Director. If there is any question or conflict regarding whether an item is allowed, the Chief of Police shall have the



authority to make any final determination. You are responsible for ensuring beforehand that any item you possess is not prohibited by this policy.

Failure to abide by all terms of this policy may result in disciplinary action up to and including termination. Further, carrying a weapon onto City property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from the property and possible prosecution. The City will contact law enforcement for assistance if necessary. This policy should not be interpreted to create any duty on the part of the City to take any actions beyond those currently required of an employer under existing law. For your own safety and for that of those around you, if you become aware of anyone violating this policy, please immediately report it to the facility's Department Head or under emergency circumstances dial 911.

## **F. Smoke and Drug-Free Workplace**

### **1. Smoke-Free Workplace**

The City complies with all applicable federal, state, and local laws and regulations regarding smoking in the workplace and is committed to providing a work environment that promotes productivity and the well-being of its employees.

- a. The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted at all its facilities and in its vehicles.
- b. Smoking and the use of smokeless tobacco, including vaporizers and e-cigarettes, are prohibited inside all City facilities and vehicles.
- c. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers about the smoking policy.
- d. The City does not discriminate against individuals on the basis of their use of legal products, if the use occurs during nonworking time and complies with the City's drug free workplace policy.
- e. Employees are encouraged to contact the Human Resources Director for information regarding the effects of smoking and the availability of smoking cessation programs.

### **2. Drug-Free Workplace**

The City acknowledges that drug and alcohol abuse can pose serious threats of harm to our community. Moreover, the City has certain obligations under the Drug-Free Workplace Act of 1988, and—to that end—has developed the following policy to comply with the Act. Employees in the Police, Fire, and Streets Department are subject to additional regulations and the employee is to consult with their Department Head for details of those department regulations. In the event of conflict between this handbook and departmental rules, the more stringent regulation is to apply. All departmental rules are to be approved by the Benton City Council.

The City absolutely prohibits employees from using, selling, possessing, manufacturing, distributing, transferring, dispensing, or purchasing (or any attempt to perform these acts), or being under the influence of illegal drugs or a controlled substance or prescription drug not medically authorized while at their job, on City property, or while on work time. The City also prohibits employees from possessing, using, selling, consuming or being under the influence of alcohol while at their job or on City property. Therefore, it is the City's policy that:

- a. Employees shall not report to work under the influence of alcohol, illegal drugs, or any controlled substance or prescription drug not medically authorized.
- b. Employees shall not possess or use illegal drugs, any controlled substance or prescription drug, not medically authorized while on City property or on City business.
- c. Employees shall not possess or consume alcohol on City property.
- d. Employees shall always comply with State laws regarding the possession and use of alcohol.
- e. Uniformed police officers may possess in the performance of their duties.

A violation of this Policy will result in disciplinary action up to and including termination of employment.

The City also cautions against use of prescribed or over-the-counter medication that can affect an employee's ability to perform his or her job safely or the use of prescribed or over-the-counter medication in a manner violating the recommended dosage or instructions from the doctor. Employees must have a valid prescription for medication used while employed for the City of Benton.

An employee in a position that may affect safety, *i.e.*, a safety sensitive position, is asked to please inform his/her Department Head prior to working while taking prescribed or over-the-counter medication that may affect his/her ability to perform the job safely, resulting in a direct threat to the employee or others. For the purposes of this Policy, a "direct threat" is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. If the City determines that the prescribed or over-the-counter medication does not pose a direct threat, the employee will be allowed to work. Failure to comply with these guidelines concerning prescription or over-the-counter medication may result in disciplinary action, up to and including termination of employment. The City reserves the right for someone in the Human Resources department to contact an appropriate health care provider, to evaluate the situation and make a recommendation regarding the employee's ability to continue working without posing a direct threat.

### **Definitions.**

**City premises:** includes all buildings, offices, facilities, grounds, parking lots, lockers, and places, leased or managed by the City or on any site on which business is conducted.

**Drug paraphernalia:** any unauthorized material or equipment or item used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing an illegal drug, as defined in this Policy, into the human body.

**Illegal drug:** a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled

substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)<sup>1</sup> It includes: 1) any illegal drugs that the federal or Arkansas government declares that employers may test for; 2) any legal drug, which is being used in a manner or for a purpose other than as prescribed or labeled, i.e., it specifically includes the abuse of prescription and over-the-counter medication; 3) the possession of legal drugs which have not been legally obtained, e.g., theft or borrowing from others; and 4) the use of substances that cause drug-like effects, but which may not necessarily be illegal under applicable laws, for a purpose other than their intended purpose, e.g., it specifically includes the inhalation of intoxicating substances such as nitrous oxide, glue, cleaning products, etc.

**Medical Review Officer (MRO):** a licensed physician, pharmacist, pharmacologist or similarly qualified individual, employed by or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's or applicant's positive test result in relation to his or her medical history or any other relevant biomedical information.

**Refuse to cooperate:** to obstruct the collection or testing process; to submit or attempt to submit an altered, adulterated, diluted, tampered with, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

**Under the influence of alcohol:** an alcohol concentration equal to or greater than 0.01, or changes in actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

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<sup>1</sup> Medical marijuana usage under the Arkansas Medical Marijuana Amendment (AMMA) is subject to Act 593 of 2017, which restricts employees in safety sensitive positions from performing those duties if a positive test result occurs. For positions that are safety sensitive as defined by Act 593, a positive test result constitutes a violation of this Policy, and appropriate action will be taken in accordance with this Policy. Likewise, if the City has a "good faith belief," as defined by Act 593, that an employee is under the influence of marijuana or has ingested marijuana in the workplace or elsewhere during working hours—even if taken in accordance with the AMMA—that employee will be required to submit to a drug test for marijuana. For positions that are not safety sensitive as defined by Act 593, a "good faith belief," as defined in the Act, accompanying a positive test result provides a reasonable basis to constitute a violation of this Policy, and appropriate action will be taken in accordance with this Policy.

**Under the influence of drugs:** a confirmed positive test result for illegal drug use per this Policy;<sup>2</sup> in addition, the misuse of legal drugs (prescription and possibly over the counter (OTC)) when there is not a valid prescription from a physician for the lawful use of a drug during medical treatment.

### **Work Rules**

1. Whenever employees are working, are operating any City vehicle, are present on City premises or are conducting City-related work offsite, they are prohibited from: using, possessing, buying, selling, manufacturing, distributing, transferring, or dispensing an illegal drug (to include possession of drug paraphernalia), or any attempt to perform these acts; and/or consuming and/or being under the influence of alcohol or an illegal drug as defined in this Policy.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing City business or while in a City facility, is prohibited.
3. The City will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked. Containers must include the employee's name, the name of the substance, quantity/amount to be taken and the period of authorization.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

### **Required Testing**

1. Post offer/Pre-employment: After an offer of employment is made and accepted, all applicants must submit to a drug test before beginning work. Refusal to submit to testing will result in withdrawal of the employment offer. A positive test result shall result in withdrawal of the employment offer.
2. Reasonable suspicion: Employees are subject to testing based on (but not limited to) observations by management of apparent workplace use, possession, or impairment. The Human Resources Director shall be consulted before sending an employee for testing. All levels of management making this decision must have received training in the recognition of substance abuse symptoms relating to work performance and in handling these problems confidentially, progressively, and in a manner consistent with this Policy.
  - a. The employee's manager who has observed the behavior, will be required to document observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. Based on that documentation, and after review by Human Resources Director, if further action is justified, the employee's Department Head and Human Resources Director should consult privately with him or her, with the documentation, to determine the cause of the observed behavior.
  - b. Furthermore, the City may request employees to submit to a test when the City has a

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<sup>2</sup> A positive test result for medical marijuana under Arkansas law means a result that comports with federal Department of Transportation standards or Arkansas DUI/DWI laws, whichever is lower.

- reason to believe that specific individuals, groups, shifts or those at an entire location or work area are suspected of using or possessing illegal drugs, alcohol, drug paraphernalia, or abusing or misusing legal drugs or when any of these items are found in an area controlled or used by designated employees whether on or off duty.
3. Possession: The City may request an employee to submit to a test if the employee is found in possession of suspected illegal drugs, or drug paraphernalia.
  4. Random: All employees are subject to unannounced drug testing on a random basis. Five percent (5%) of employees are selected quarterly to undergo drug and alcohol screening. Each employee will have an equal chance of selection.
  5. Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge.

**Consequences.** Applicants who refuse to cooperate or test positive in a drug test will not be permitted to report to work and will not be allowed to reapply/retest in the future. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, distribute, transfer, or dispense an illegal drug (or attempt to perform any of these acts) in violation of this Policy will be terminated. *If the employee refuses to be tested, yet management believes he or she is impaired, he/she will be offered alternate transportation under any circumstance.*

Employees will be paid for time spent in alcohol or drug testing. Those being tested for reasonable suspicion of use will be suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test. This meeting will include a member of management/Department Head and the Human Resources Director. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

An employee, who tests positive for drug or alcohol use, may be in violation of this Policy. The employee may be terminated or, depending upon the circumstances, issued a written disciplinary warning and required to seek treatment in an approved program for alcohol and drug rehabilitation. The employee must provide written verification of enrollment in a program within five (5) days after receiving positive results. Employees who refuse to participate in, or who does not satisfactorily complete a rehabilitation program, or who subsequently violates this Policy will be terminated from the City.

An employee who provides written verification of enrollment in a rehabilitation program will be required to submit to follow-up drug and/or alcohol testing, without prior notice. Such testing will be done at the discretion of the City and will occur over a minimum period of one (1) year, and a maximum period of two (2) years. If an employee tests positive for drug or alcohol use during this time, he/she will be terminated from employment immediately. The employee will be assisted with collecting his or her personal belongings and escorted from the facility.

An applicant or employee's admission to conduct or behavior, which constitutes a violation of this Policy, is considered the same as a violation. Therefore, it may result in disciplinary action up to and including immediate termination. Said decision regarding what actions may be taken is within the sole discretion of the City.

**Confidentiality.** Information and records relating to positive test results, drug and alcohol dependencies, and all information provided by the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and Department Heads on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant. Any employee that inappropriately discloses confidential medical information may be subject to discipline, up to and including termination of employment.

**Inspections.** The City reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

**Crimes Involving Drugs.** The City prohibits all employees from purchasing, transferring, selling, manufacturing, distributing, dispensing, possessing or using an illegal drug (or attempting to perform these acts). Employees are also prohibited from misusing legally prescribed or OTC drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

All employees who are charged, plead guilty to, or convicted of a crime involving an illegal drug are required to report the charge, the plea, or the conviction to the Human Resources Director within five days of each. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the City. The Human Resource Director is required to make notice to the appropriate Department Head of all reports of this nature.

## **Procedures**

1. The employee will be advised that the City believes there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol and that testing is being offered to confirm or deny this suspicion. Alternatively, in the case of an accident, which requires drug testing, the employee will be told that, due to the nature of the accident, the Policy mandates alcohol and drug testing.
2. The employee will be transported to any one of the City's contracted testing facilities. One member of management or a designated attendant will accompany the employee. *Under no circumstances will he/she be allowed to drive himself or herself to the testing facility.*
3. Prior to leaving for the testing facility, the Department Head/management will contact the testing facility to inform it that a staff member from the City will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving City premises.
5. The employee should be given reasonable time—not to exceed 15 minutes—to secure photo ID in the company of a City representative. The City representative should ensure the employee has the photo ID when leaving the City's premises.
6. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained.

7. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the “Consequences” section of this document.
8. A City representative must sign as a witness to the collection procedure, along with the tested employee.
9. After returning to the worksite or when leaving the testing facility, the Department Head/manager must make arrangements to transport the tested employee home, unless testing results are immediate and those results are negative. Otherwise, the tested employee will not be allowed to drive himself or herself home under any circumstance.

**Collection and Testing Procedures.** Employees subject to alcohol testing should provide the facility designated by the City a saliva or urine specimen. Specimens should be tested by trained technicians using federally approved testing devices capable of producing printed results that identify the employee. If an employee’s blood or breath alcohol concentration is 0.01 or more, a second specimen should be tested. The results of the second test should be determinative. To clarify, alcohol tests may be conducted on a saliva or urine specimen, at the City’s discretion. For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the City as valid.

Applicants and employees subject to drug testing should provide the facility designated by the City a urine specimen. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated, diluted, tampered with, or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, THC, hashish, hashish oil, cocaine, phencyclidine (PCP), phencyclidine analogs, opiates, amphetamines, amphetamine variants, benzodiazepines, methadone, methaqualone, barbiturates, and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage. The laboratory should transmit all positive drug test results to a MRO retained by the City, who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant’s or employee’s own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the City until such time that the MRO has confirmed the test to be positive. To clarify, drug tests may be conducted by using a urine, saliva or blood specimen, at the City’s discretion.

**Positive Test Results.** Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, the City shall inform an employee or job applicant of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The City will also provide to the employee or job applicant, upon request, a copy of the test results. Within five (5) working days after this notice, the employee or job applicant may submit information to the City explaining or contesting the test results, to include a description of why the results do not constitute a violation of City policy. If an employee or job applicant’s explanation or challenge of the positive test results is unsatisfactory to the City, a written explanation as to why his/her explanation is unsatisfactory, along with the report of positive

results, will be provided by the City to the employee or job applicant and all such documentation will be kept by the City in a confidential manner.

**Enforcement.** The City will broadly interpret this Policy in a manner to achieve and maintain a drug-free workplace. This Policy may be amended as necessary to meet the requirements of federal, state, or local law. The City reserves the right to modify or amend this Policy with or without advance notice to employees.

**Employee Assistance.** The City provides its employees, and their immediate family members, with access to an Employee Assistance Program (EAP). The goals of this program are:

1. To retain valued employees;
2. To restore productivity through early identification of personal problems; and
3. To motivate employees to seek help with life management problems.

Employees who experience any personal problems may find the EAP to be an invaluable benefit of the City, and employees are encouraged to voluntarily seek counseling and information on a confidential basis by contacting an EAP whenever life's challenges prove difficult to handle. There also may be occasions when employees are referred to the EAP where the employee's work performance has declined or in the event of an on-the-job incident that indicates a possible life management problem. In the event of drug or alcohol-related problems, completion of the EAP program may be required in order to continue employment with the City. If you have questions about drugs and alcohol abuse, Arkansas provides some resources, like [www.arcrisis.org](http://www.arcrisis.org).

## **VI. JOB POSTING & ADVERTISING**

Notice of job openings with accompanying job descriptions will be posted to the City's webpage and distributed to city departments for posting on their bulletin boards. Notices will be posted at least five (5) business days. Any internal applicant must meet the minimum entry-level qualifications of the vacancy and have a satisfactory performance record. Priority in filling openings will be given to employees applying for 1) a promotional opportunity within their own department 2) a full-time position if they have a good performance record as a part time employee.

### **A. Employment Applications**

Applications for employment will be accepted for open and vacant positions from anyone who wishes to apply on forms provided by the City or through the City's website. The City of Benton relies upon accuracy of information contained in the employment application, as well as the accuracy of data presented throughout the hiring process or employment. Any misrepresentations, falsifications, or material omissions in any of this information of data may result in the City of Benton's exclusion of the individual from further consideration for employment or termination of employment, if the person has been hired.

### **Selection Process**



The Human Resources Department shall screen employment applications to ensure applicants meet the minimum qualifications of vacant jobs. The Human Resources Department will then forward the applications of qualified applicants to the Department Head.

### **Employment Reference Checks**

It is the policy of the City of Benton to check the employment references of applicants. The Human Resources Department shall respond to all inquiries regarding references for previous and current city employees. Department Heads may respond if the Department Head so chooses. Unless authorized by the individual job seeker, responses to reference check inquiries from other employers will confirm only dates of employment, job title and wage rates.

### **Authority to Hire**

Selection (hiring) decisions for non-Department Head employees shall be made by the Department Head, as appropriate.

### **B. Post-Offer Pre-Employment Physical Examinations**

Post-offer pre-employment physical examinations shall be required for every applicant hired by the City. Such examinations shall be paid by the City and shall determine whether the applicant can perform the essential functions of the job for which they received a conditional offer of employment, with or without accommodations. The City will select an appropriate vendor to provide post-offer pre-employment physical examinations. The results of such a physical examination shall be maintained in confidential medical files. Only employees with a specific need to know the results of an examination may have access to such records. Except in cases of emergency with approval from the Mayor, no applicant who received a conditional offer of employment may begin working before completing this process, and in any case, employment remains contingent on the applicant's examination.

## **VII. EMPLOYMENT CLASSIFICATION AND PAY PROCEDURES**

### **A. Introductory Period**

All new employees and all present employees transferred or promoted to a new job are monitored and evaluated during an initial introductory period. Your first ninety (90) days of employment at the City are considered an Introductory Period. This Introductory Period will be a time for getting to know your fellow employees, your supervisor and the tasks involved in your job position, as well as becoming familiar with the City's services. Your supervisor will work closely with you to help you understand the needs and processes of your job. Management reserves the right to extend this period at its own discretion. This Introductory Period is a try-out time for both you, as an employee, and the City, as an employer. During this Introductory Period, the City will evaluate your suitability for employment, and you can evaluate the City as well. At any time during your employment, including during the Introductory Period, you may resign your employment. If, during this period, your work habits, attitude, attendance, performance, etc., do not measure up to our standards, we may release you or extend the Introductory Period.

During and at the end of the Introductory Period, your supervisor will discuss your job performance with you. During the discussion, you are encouraged to give your comments and ideas as well. Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation at the conclusion of the introductory period and their supervisors' endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be allowed to continue as an introductory employee. Such employees who fail to satisfy the initial introductory period requirements may be given additional time in 30-day increments not to exceed a total 180 days to demonstrate their ability to meet the City's legitimate expectations for the position, if the Department Head believes that additional time is warranted.

Completion of the Introductory Period does not change your at-will employment status. A former employee who has been rehired after a separation from the City must complete a full Introductory Period following rehire.

## **B. Pay and Classifications**

All employees are classified as full-time, part-time, or temporary, and are then further classified as either "exempt" or "non-exempt." This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty hours (40) per workweek. If your exemption classification or employee type change during the year, your pay, as well as your eligibility for benefits, may be affected. For information about the impact, please contact the Human Resources Director.

NOTE: The City does not offer compensatory time (paid leave in lieu of overtime).

### **1. Full-Time Employees**

At the time you are hired, you are classified as either full-time, part-time, or temporary and are told whether you qualify for overtime pay. Unless otherwise specified or required by law, the benefits described in this Handbook apply only to full-time employees. If you are unsure of which job classification your position fits into, please ask your supervisor. An employee who has successfully completed the Introductory Period of employment and who works at least forty (40) hours per week is considered a full-time employee.

### **2. Part-Time Employees**

If you are classified as a part-time employee, please understand that you are not eligible for some or all benefits described in this Handbook, except as granted on occasion, or to the extent required by provision of state and federal laws. An employee who has successfully completed the Introductory Period of employment and who on average works less than 30 hours per week is considered a part-time employee.

### **3. Seasonal/ Temporary Employees**

From time to time, the City may hire employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary

employee. The job assignment, work schedule, and duration of the position will be determined on an individual basis. Normally, a temporary position will not exceed six (6) months in duration, unless specifically extended by a written agreement. Summer employees are considered temporary employees. If you are a temporary employee, please understand that you are not eligible for some or all benefits described in this Handbook, except as granted on occasion, or to the extent required by provision of state and federal laws. Those temporary employees classified as “non-exempt” (see the definition that follows) who work more than forty (40) hours during any workweek will receive overtime pay.

#### **4. Non-Exempt Employees (Civilian)**

Payroll requirements necessitate the documentation of attendance as well as hours worked. All non-exempt civilian employees will be paid overtime for all hours worked in excess of forty (40) hours in a workweek at a rate not less than one and one-half (1½) times the employee’s regular rate of pay. The following rules apply to non-exempt employees (e.g., employees eligible for overtime pay at one and a half times your regular rate of pay for hours worked in excess of forty (40) hours in a workweek):

- a. Work Schedules and Meal Periods.** You may not work any hours outside of your scheduled workday unless your supervisor has authorized the unscheduled work in advance. You will generally be scheduled one unpaid personal meal period of one (1) hour or thirty (30) minutes per eight-hour day. Please consult your supervisor regarding the scheduling of your meal period. Employees generally may not skip the meal period to leave work at an earlier time. Employees may leave the premises during the meal period, however, employees must document actual time worked. It is important to return to work on time at the end of your lunch period. Work should not be performed during a meal period. This should happen infrequently and only with prior approval from an employee’s supervisor/manager; and all work during a meal period must be compensated. Do not start work early, finish work late, work during an unpaid meal break, or perform any other extra or overtime work unless you are authorized to do so, and that time is recorded on your timesheet.
- b. Accurate Timesheets.** You must keep accurate timesheets of the total hours that you work each day. Please see your Department Head for specific requirements for each department.
- c. No Off-the-Clock Work.** You may not perform any “off-the-clock” work. “Off-the-clock” work means work you performed but failed to report on your timesheet. Failure to accurately report all hours worked is considered making a false statement.
- d. Overtime.** You may be required to work overtime as business necessitates, but you can only work overtime if your supervisor approves overtime in that workweek before you exceed forty (40) hours. If you are nearing forty (40) hours prior to the end of the workweek, it is your duty to notify your supervisor. Supervisors must have an opportunity to approve overtime requests in advance. All non-exempt employees will be paid overtime for all hours worked in excess of forty (40) hours in a workweek at a rate not less than one and one-half (1½) times the employee’s regular rate of pay. Supervisors will not permit overtime to be worked by non-exempt employees without proper advance authorization by the supervisor. Non-exempt employees cannot offset overtime worked in one workweek with time off in another week. In addition, non-exempt employees cannot waive their

rights, nor can their supervisors waive their rights, to receive overtime pay by asking you to take time off in another week.

- e. **On-Call Time.** At the discretion of Department Heads and as approved by budget, employees may be placed on-call to assure the efficient operation of city services after hours and on holidays. Employees on-call for afterhours operations are to receive supplemental pay equal to 2 hours work per day for Monday through Friday and 4 hours per day on weekends and holidays. On-call hours do not count as time worked toward overtime hours. On-call employees called in to work are to receive credit for a minimum of two hours at overtime rate or actual time worked, whichever is greater. When a call-out is initiated and the two-hour overtime payment is begun, a second call-out during that timeframe will be considered a continuation of the initial call and will not be paid as a second call-out. Court appearances on an employee's day off will be treated as call-outs. Employees on-call not reporting to work in a timely manner shall be reprimanded for an unexcused absence and forfeit eligibility for on-call status for 3 months.
- f. **Travel Time.** Travel to and from work in the ordinary course of business is not compensable time unless otherwise stated by your Department Head. Time spent by non-exempt employees in traveling away from home on City business is considered compensable time for pay purposes. If non-exempt employees are traveling on City business, they should record travel time, as time worked. Travel hours are included when calculating overtime pay. During travel time, lunch periods are not included as work hours.
- g. **Timesheets.** Review your timesheet at the end of each workweek and verify that the reported hours worked are complete and accurate. After you have verified that it is accurate, submit it to your supervisor. Do not submit your timesheet to your supervisor unless it is accurate and represents all hours worked during each workweek. If your timesheet is not accurate, notify your supervisor immediately. Altering, falsifying, tampering with time records or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment. It is your responsibility to certify the accuracy of all time recorded.

Department Heads and supervisors are responsible for ensuring timesheets are approved no later than Monday preceding a payday. Vacation leave, sick leave, etc., used during a pay period must be turned in for processing during the pay period's regular processing time. Supervisors shall review for accuracy and approve respective employee's time records.

All employees should accurately report the time they begin and end their work.

- h. **Review Paystubs.** When you receive each paycheck, verify immediately that you were paid correctly for all regular and overtime hours worked each workweek. It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your paystub promptly to identify and to report any errors.
- i. **Shift-Differential Pay.** Employees other than law enforcement or fire protection, who work at 24-hour operations of the City, will receive shift differential pay of \$0.20 per hour for "B" shift (3:00 p.m. to 11:00 p.m.) and \$0.35 per hour for "C" shift (11:00 p.m. to 7:00 a.m.). Shift differential pay does not apply to paid leave.
- j. **Motor Vehicle Checks.** All work-related accidents and incidents will be investigated to determine the actions of all involved and use this information, if warranted, to correct

unsatisfactory performance regarding the operation of City vehicles and equipment by City employees. Any employee involved in a possible injury accident or incident while operating a City owned vehicle, shall immediately call for medical and police services.

a. **Motor Vehicle Checks Policy Definitions:**

**Work-Related Accident** – An accident involving the operations of a City owned vehicle or equipment that causes death, or injury likely to result in death to any person, or damage to private property totaling \$1,000 or more.

**At-Fault Work-Related Accident** – A work-related accident, where it is determined by a police investigation, that the actions of the employee in the operation of a City owned vehicle or equipment contributed to the cause of the accident.

**No-Fault Work-Related Accident** – A work-related accident, where it is determined by a police investigation, that the actions of a City employee in the operation of a City owned vehicle or equipment did not contribute to the cause of the accident.

**Work-Related Incident** – An incident involving the operation of a City owned vehicle or equipment that causes damage to City property or private property of less than \$1,000.

**At-Fault Work-Related Incident** – A work-related incident, where it is determined by a supervisory investigation, that the actions of a City employee in the operation of a City owned vehicle or equipment did contribute to the cause of the incident

**No-Fault Work-Related Incident** – A work-related incident, where it is determined by a supervisory investigation, that the actions of a City employee in the operation of a City owned vehicle or equipment did not contribute to the cause of the incident

**Work-Related Moving Traffic Violation** – Violation of motor vehicle and traffic law that results in the issuance of a traffic citation to an employee while operating a city owned vehicle or equipment.

k. **Investigations**

**Work-Related Accidents** – It will be the responsibility of the Benton Police Department to investigate all work-related accidents within the city limits to determine the cause of the accident. Work-related accidents occurring outside the city limits will be investigated by the appropriate law enforcement agency. It is the involved Department Head's responsibility to ensure that copies of the accident are forwarded to the Accounting Manager to file a proper insurance claim and the Human Resources Department, if appropriate.

**Work-Related Incidents** – It will be the responsibility of the employee's supervisor to investigate all work-related incidents within the city limits to determine the cause of the incident. If appropriate, a copy of the report shall be sent to Human Resources.

**Work-Related Moving Traffic Violations** – It will be the responsibility of the employee to report to their supervisor any moving traffic violations while operating City owned vehicles or equipment. If appropriate, a copy of the report shall be sent to Human Resources.

## **5. Non-Exempt Uniformed Employees**

Uniformed employees are subject to different rules for overtime eligibility. Covered Fire and Police employees calculate overtime on a 14-day basis, and no overtime compensation is required unless hours worked exceed 106 for fire protection employees and 86 for covered law enforcement employees.

## **6. Exempt Employees**

If you are an exempt employee, you receive a salary that is intended to compensate you for all hours that you may work for the City. Therefore, you are not eligible to receive overtime pay. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

A normal workweek for exempt employees is forty (40) hours, however, exempt employees are frequently required to work more than forty (40) hours per week. Work schedules are subject to change depending on the City's needs.

An employee's salary also may be reduced for certain types of deductions, such as: employee's portion of health, dental, or life insurance premiums; state, federal, or local taxes, social security; or voluntary contributions to a retirement plan, as well as the City's retirement plan. If it is believed that the City has made improper deductions, the following procedure applies:

- a. The employee should report the alleged deduction to the Payroll Coordinator.
- b. Each complaint will be investigated, and a determination concerning the deduction will be made.
- c. If the City determines that the deduction was not permitted, the employee will be promptly reimbursed.

The City will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

Please note: Although exempt employees do not keep timesheets of all hours worked, exempt employees are required to report absences away from work each week (for paid time off or other leave). You will be required to use accrued vacation, sick, or other forms of paid time off for full or partial day absences for personal reasons, sickness, or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

## **7. Pay Frequency**

The City pays employees on a bi-weekly basis through direct deposit into the employee's bank account. Every effort is made to avoid errors in your paycheck. If you believe an error has been made, tell your supervisor immediately. He or she will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly.

## **8. Deductions from Paycheck**

The City is required by law to make certain deductions from your paycheck each time one is prepared. Among these are state and federal taxes, including contributions to Social Security and Medicare as required by law. These deductions will be itemized on your check stub. The amount of the deductions depends on your earnings and on the information you furnish on your W-4 form regarding the number of dependents/exemptions you claim. No changes will be made pertaining to tax withholding information without prior written authorization of the employee. The W-2 form you receive for each year indicates precisely how much of your earnings were deducted for these purposes. Keep your records up to date. Any other mandatory deductions to be made from your paycheck, such as court-ordered attachments, will be explained whenever the City is ordered to make such deductions. Both the Chief Financial Officer and City Attorney are required to authorize and to receive an order of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Payroll Coordinator will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law. No employee will be terminated because his or her earnings have been garnished for one indebtedness.

If you have questions about deductions from your pay, please contact the Payroll Department. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to your Department Head immediately. If your Department Head is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt reply within three business days), you should immediately contact the Payroll Coordinator. Every report will be fully investigated, and corrective action will be taken.

## **9. Violations of FLSA Status and Pay Procedures Policy**

It is a violation of the City's policy for any employee to falsify a timesheet or other time or leave record, or to alter another employee's timesheet. It is also a serious violation of City policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timesheet to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Director. Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their Department Head or with the Human Resources Director.

## **10. Hours of Work**

The schedule of hours for employees will be determined by each Department Head. The Department Head will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the City. Work schedules are subject to change depending on the City's needs. The Department Head must authorize any change in the established work schedule in advance. Although the normal workweek is Monday through Sunday—beginning and ending at midnight on Sunday and consisting of forty hours—City's regular hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. Department Heads will determine the normal workday for employees.

## **11. Lactation Breaks**

Consistent with state and federal law, the City provides lactating parents reasonable break time ("lactation breaks"), as well as a space that is shielded from view and free from intrusion, in order to express breast milk. An employee who is a nursing mother may request reasonable lactation breaks during work hours for the purpose of expressing breast milk for her nursing child for one year after the child's birth. The employee may schedule lactation break times when they need them. Department Heads/managers and employees will work together to establish reasonable, flexible, and mutually agreeable times each day that do not unduly disrupt normal work activities.

## **12. Wage Assignments (Garnishments)**

Employees are expected to exercise personal financial responsibility as representatives of the City in the community. The City will comply with federal law and regulations; thus, an employee will not be terminated for garnishments received from a single indebtedness, even though multiple garnishments might be received from the same creditor for a single indebtedness. If an additional garnishment is received other than for the same indebtedness within twelve months of the first garnishment, disciplinary action, up to and including discharge, may be taken.

# **VIII. INFORMATION SECURITY**

## **A. Communication Systems**

It is the policy of the City to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business. "Communications Services and Equipment" include, among other things, mail, electronic mail ("email"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, digital voice recorders and recordings, pagers, cellular phones, smart phones, personal digital assistants, tablets, voice mail and bulletin boards. There is no expectation of privacy in the workplace with respect to the City's Communications Services and Equipment given our need to continuously monitor system performance and security consistent with legitimate management prerogatives; and to comply with all open records requirements.



All City Communications Services and Equipment, including the messages transmitted or stored by them, are the sole property of the City. The City may access and monitor employee communications and files as it considers appropriate. Authorized employees must disclose all passwords used to access City Communications Services and Equipment to the City and their Department Heads upon request, but should not share the passwords with other employees. Employees should not duplicate or download from the Internet or from an email any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material.

City communications property or equipment may not be removed from the premises without authorization from the employee's Department Head. Employees should not use City Communications Services and Equipment to send out any mass communications to employees without the approval of their Department Head. Employees should ensure that no personal correspondence appears to be an official communication of the City, since employees may be perceived as representatives of the City and, therefore, damage or create liability for the City. Improper use of City Communications Services and Equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, or electronically retrieved or transmitted communications.

## **B. Confidential Information**

It is important for all of us to protect the City's tangible and intangible assets. During your employment with the City, you may become aware of confidential information belonging to the City or its constituents. Despite the City's resolute commitment to good faith compliance with the FOIA, some records are protected from disclosure. Because the FOIA's exceptions and exemptions are complex and multifaceted, do not disclose any information without first speaking with your Department Head.

Employees who have contact with and access to confidential and proprietary information must take precautions to keep such information confidential. Confidential information shall not be stored on employee-owned electronic devices. Confidential information should never be sent to external parties not authorized to receive such information.

## **C. Social Networking**

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. Ultimately, you are solely responsible for what you post online. Accordingly, never represent yourself as a spokesperson for the City. You are expressly notified that you do not have the authority or capacity to represent the City in any medium of social media. If the City is a subject of the content you are creating, make it clear that your views do not represent those of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as: *"The posts on this site, including but not*

*limited to images, links, and comments left by readers, are my own and do not necessarily represent my employer's positions, strategies, or opinions."*

Refrain from using social media while on work time or on equipment provided by the City, unless it is work-related as authorized by your manager. Do not use City email addresses to register on social networks, blogs, or other online tools utilized for personal use. Notwithstanding the foregoing, social media may be used by certain employees as part of their jobs and should be used during working hours for business-related purposes. Employees who use social media on behalf of the City, for example to discuss products or services, must disclose their relationship with the City. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

## **IX. BENEFITS, LEAVE, AND RELATED POLICIES**

### **A. Benefits Administered by Third Parties**

The City provides eligible employees with the opportunity to enroll in various benefit plans. If an employee begins employment before the 14<sup>th</sup> of the month, health insurance eligibility will be effective the 1<sup>st</sup> of following month. If, however, an employee begins employment the 15<sup>th</sup> or after, their eligibility will be on the 1<sup>st</sup> of the month two months after employment began. Eligibility depends upon the specific requirements of each benefit plan. Plan documents control to the extent that they differ from this Handbook. Participant contributions to benefit plans normally will be deducted from the employee's paycheck if the employee has authorized the deduction in writing. Information and summaries intended to explain these benefit plans will be furnished to all plan participants on a timely and continuing basis. Insurance and other benefits are subject to change and are not guaranteed. Employees covered by the City's health benefit plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Consult with the Payroll Coordinator for more information.

Under certain situations, employees may be able to continue their group insurance coverage through the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). In short, COBRA provides for continuation of coverage for employees and their dependents if certain qualifying events occur, which would otherwise cause the employee or their dependents to lose coverage.

## **B. Holidays**

Although many departments remain open during the year, the City observes certain days each year as holidays. Eligible employees will be given 8 hours of pay for each holiday observed. The schedule of holidays the City observes are listed below:

1. New Year's Day
2. Martin Luther King Jr. Day
3. President's Day
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day & the Friday after
10. Christmas Eve and Christmas Day

Provided that the conditions below have been satisfied, full-time employees are eligible to receive their regular rate of pay (8 hours) for each observed holiday on which they normally would be scheduled to work. In order to be paid for such holidays, employees must be in a paid status the day immediately before and following an observed holiday. Employees on leave of absence are not eligible to receive holiday pay. Employees who are still within the Introductory Period of employment are entitled to receive holiday pay in a manner consistent with this policy.

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If a holiday occurs during an employee's vacation period, the employee will not be charged vacation for this day. The City may schedule work on an observed holiday as it considers necessary. Non-exempt employees (those not exempt from the minimum wage and overtime provisions of applicable state law and the Fair Labor Standards Act) will be paid for all hours worked on that day. Exempt employees will be considered "on duty and working" on holidays.

Police officers and firefighters who are eligible for holiday pay shall be paid in one lump sum all the yearly holiday pay they are entitled to receive, including Christmas holiday pay, within the first two weeks of December. Any employee who ends his/her employment with the City prior to December shall be paid their earned holiday pay with their final paycheck. Any employee who should end his/her employment after being paid for the Christmas holiday, but before earning the Christmas holiday pay, shall have a deduction in their final paycheck equal to the holiday pay they were not entitled to receive.

## **C. Vacation, Sick, Personal Leave Time and Leave Without Pay**

**Eligibility.** You are eligible to receive accruals for vacation, sick and personal time if you are a full-time employee. Part-time and temporary employees will not be eligible to accrue leave time. Leave time is accrued as you work. You will not accrue leave time while you are on leave of absence or suspension. In general, administrative leave is not considered an absence or suspension

for this paragraph. If you do not use your leave time as allowed under this policy, it is forfeited. To the extent an employee is scheduled to work and is approved for vacation leave, such leave is considered time worked for purposes of computing overtime for non-exempt employees; however, vacation leave is not paid to employees upon separation of employment unless otherwise provided by law. Sick and personal time are not considered time worked for purposes of computing overtime.

**Use of Leave Time.** Use of leave time is subject to Department Head approval, department staffing needs, and established departmental procedures. Employees are responsible for managing how and when they use leave time. This means developing a plan for taking your vacations, as well as doctor's appointments and personal business. You are encouraged to take your vacation. We feel all employees need vacation from work to refresh themselves for a better performance of their job. Therefore, you may not remain on the job and receive vacation pay in lieu of taking a vacation unless otherwise required by law. For purposes of payroll, hours worked during the shift shall be paid during the pay period in which the shift began.

Generally, employees are encouraged to submit their vacation plans to their Supervisor by February 15<sup>th</sup> of each year to accommodate departmental scheduling. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service.

Employees are required to provide their supervisor with reasonable advance notice and obtain approval prior to using leave time that is not already scheduled and approved. This allows for the supervisor to prepare for time off and assure that all staffing needs are met. Employees are encouraged to NOT wait until December to take all their vacation. Requests may be denied depending on staffing needs, in the City's sole judgement. Employees should be considerate of how this could impact the Department. Supervisors have the discretion to deny requests for vacation if it causes an issue. It is imperative for employees to stay on top of their schedules with their supervisors to prevent losing this time off. A maximum of 80 hours of earned, but unused vacation can be carried over from one calendar year to the next. Any additional accrued, but unused vacation will be forfeited. Employees must use all other available paid time off, including sick (when authorized by this handbook) and vacation leave, before being granted leave without pay. Requests for leave without pay will be considered on a case-by-case basis, and may require approval from an employee's Department Head and the Mayor in exceptional circumstances.

**Recording Leave Time.** You must complete a leave request for all leave time used. Generally, requests for time off must be submitted to your supervisor two weeks prior to the requested day(s) off. Note, however, that there may be occasions when you cannot notify your supervisor in advance. In those situations, you must inform your supervisor of your circumstances as soon as possible. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department.

**Questions about Leave Time.** Employees who feel that there is a discrepancy in the calculation of their eligibility may request a review of that calculation by the Payroll Coordinator.

## 1. Vacation Leave

All full-time employees accrue and are eligible for, paid vacation benefits. Employees are eligible to start taking paid vacation as soon as they earn it. All leave must have prior approval by the appropriate supervisor. Temporary or part-time employees are not eligible for vacation benefits. Employees are encouraged to submit their vacation requests at least two weeks in advance. However, each Department Head or Supervisor will decide whether his/ her department's operation can continue effectively with less notice and will determine the advance notice needed in that department. Employees may only use vacation time that they have accrued, with the exception of the fire and police departments who must schedule vacation days in advance. Should a member of the fire or police department leave employment, any "overdrawn" vacation time will be adjusted through his/ her final pay out. Vacation time is considered time worked for purposes of computing overtime.

**Maximum Accumulation:** Employees will not be allowed to carry over more than the equivalent of 80 hours of vacation. Any loss of unused hours in excess of the maximum will occur at the end of the shift worked on December 31<sup>st</sup>.

**Accrual:** The accrued vacation for each pay period is available to be taken during or after the pay period in which it was accrued. To compute your biweekly accrual rate, divide your annual accrual by 26 pay periods. The accrual rate is as follows:

ALL CIVILIAN PERSONNEL	
Years of Service	Vacation Time Accrued Each Year
0-9 years	120 hours
10-19 years	160 hours
20+ Years	200 Hours

ALL UNIFORM <sup>3</sup> PERSONNEL				
Years of Service	Vacation Time Accrued Each Year			
	8-hour shift	10-hour shift	12-hour shift	24-hour shift
0 – 9 years	120 hours	150 hours	180 hours	168 hours
10-19 years	160 hours	200 hours	240 hours	216 hours
20+ Years	200 hours	250 hours	300 hours	264 hours

A current employee who has an accrual rate higher than that listed in the above table will remain at the higher rate until his/her length of service would provide an increased rate.

If an employee is on vacation and becomes sick or injured and would qualify for sick leave, they can change their status from vacation to sick leave by presenting a doctor's letter indicating the sickness or injury. This letter needs to be presented to the Supervisor/ Department Head prior to the timesheet completion and submittal, if possible.

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<sup>3</sup> Uniform personnel means uniformed members of the police and fire departments only.

**Separation of Employment.** Employees who give a minimum of two weeks' notice of his/her separation of employment with the City, will be paid out all accrued, but unused vacation. Employees whose employment with the City is terminated for misconduct, or who are otherwise involuntarily separated, are not eligible to receive a payout for his/her unused vacation, if any, unless required by law.

## 2. Sick & Personal Leave

Sick leave provides you with paid time off for use due to personal sickness, injury, or illness. Sick leave and FMLA leave will run concurrently, to the extent the employee has available sick leave, and all other paid leave has been exhausted. You are eligible to receive sick leave if you are a full-time employee. Full-time employees will not be allowed to use sick leave during their probationary period. Part-time and temporary employees will not be provided with sick leave. Sick leave is accrued each pay period as you work. You will not accrue sick leave while you are on leave of absence or suspension. Sick leave is not considered time worked for purposes of computing overtime.

**Maximum Accumulation:** Civilian, administrative positions within the police and fire, as well as police uniformed personnel may accumulate a maximum of 720 hours of sick leave. Uniformed Firefighters maximum accrual shall be 1,440 hours.

**Accrual.** Employees accrue sick leave from the date of their hire but will not be eligible to use until after their Introductory Period with the City. Time off may be charged against accumulated sick leave only for such days the employee is scheduled to work. An employee may be eligible for sick leave for the following reasons:

- Personal illness or physical incapacity.
- Quarantine as ordered by a physician or health officer.
- Illness in the immediate family (parents, spouse, or children) which would require the employee to take care of the family member(s).
- Medical, dental and optical visits.

At the beginning of the calendar year, 24 hours of sick leave will be available for use for civilians without a doctor's note as Personal Time. In the time keeping system this will be labeled as Personal Leave. Supervisors reserve the right to request a doctor's note from employees using personal leave if such leave is being taken in a patterned manner that evidences abuse.

ALL CIVILIAN PERSONNEL	
Sick Time Accrued Each Year	Personal Time Accrued Each Year
136 hours	24 hours

POLICE UNIFORMED & FIRE ADMINISTRATIVE PERSONNEL	
Shift	Sick Time Accrued Each Year
8-hour shift	160 hours
10-hour shift	200 hours
12-hour shift	240 hours

24 HOUR FIREFIGHTERS PERSONNEL
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Sick Time Accrued Each Year
240 hours

**Use and Management of Sick Leave.** Generally, employees are required to provide their Supervisors with as much reasonable advance notice of his/her use of sick leave. This allows for the Supervisor to ensure that all staffing needs are met. Employees failing to contact their Supervisor 30 minutes before the employee is expected to report for work may result in loss of paid leave. An employee can earn up to a maximum of 720 hours of sick leave. Any additional accrued, but unused sick leave will be forfeited.

For uniformed police, up to 56 hours of sick leave each year can be used without submission of a doctor's note. For fire, up to 96 hours of sick leave each year can be used without submission of a doctor's note. However, any three (3) consecutive missed shifts by uniformed employees will require a doctor's note upon the employee's return to work. Any sick time utilized immediately before or after a vacation shift shall require a doctor's note. Supervisors reserve the right to request a doctor's note from employees using personal leave if such leave is being taken in a patterned manner that evidences abuse.

**Recording Sick Leave.** A sick leave request must be completed for all sick leave time used. Generally, sick leave request forms shall be completed within 24 hours after the employee returns from sick leave. A doctor's note must be sent to the Payroll Coordinator along with the employee's submitted timesheet no later than the Monday following the end of the pay period in which sick leave was taken. Note, however, that there may be occasions, such as scheduled doctor's appointments, when you can notify your supervisor in advance. In those situations, you must inform your supervisor as soon as possible. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department. The Department Head may request that the employee provide a statement from a health care provider concerning the justification for an unscheduled absence. Notwithstanding, nothing in this section should be interpreted to limit, restrict, or interfere with any leave subject to the Family and Medical Leave Act.

**Sick Leave & Holidays.** Employees who use sick leave on the day immediately before, during, or after a paid holiday must provide a doctor's note for this sick leave to be eligible for paid holiday pay. Civilian employees cannot use any of his/her 24 hours of personal leave that does not require a doctor's note in conjunction with a paid holiday.

**Separation of Employment.** Civilian employees who give a minimum of two weeks' notice of his/her separation of employment with the City will be paid accrued, but unused sick leave according to the vesting table below. The vesting table below will also apply upon an employee's death or retirement. Employees whose employment with the City is terminated or who are otherwise involuntarily separated, are not eligible to receive a payout for his/her unused sick leave, if any. Employees will have the following vesting percentages applied to accrued sick leave hours paid upon notice of resignation:

ALL CIVILIAN PERSONNEL	
Years of Service	Amount of Sick Leave Paid Out
Less than 10 years	None
10 years but less than 15 years	25% upon separation/50% upon death or retirement
15 years or more	50% upon separation/100% upon death or retirement

**Questions about Sick Leave.** Employees who feel that there is a discrepancy in the calculation of their eligibility may request a review of that calculation by the Payroll Coordinator.

#### **D. Other Periods of Leave**

##### **1. Family/Medical Leave of Absence**

It is the policy of the City to grant employees extended or intermittent leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence. The City complies with the provisions of the federal Family and Medical Leave Act ("FMLA"). Employees who have worked for the City for at least one (1) year in the past seven (7) years; who have worked at least 1,250 hours during the previous twelve (12) months (unless the employee is classified as an "exempt" employee under the Fair Labor Standards Act; an employee should consult with the Human Resources department to determine whether the employee is classified as exempt or non-exempt); the FMLA provides eligible persons with up to twelve (12) weeks unpaid leave during a 12-month period for certain qualified family and medical situations. The FMLA makes it unlawful and the City will not: (i) Interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; and (ii) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. We have posted and will continue to display the poster entitled: "**EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT.**" This form is also provided in the **Appendix**.

#### **Reasons for Taking Leave.**

1. For the care of the employee's child (birth or placement for adoption or foster care);
2. For the care of the employee's spouse, dependent child, or parent (biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when he or she was a minor) who has a serious health condition; or
3. For the employee's own serious health condition;
4. For a "qualifying exigency" while the employee's spouse, son, daughter, or parent is on covered active-duty or call to covered active-duty status (or has been notified of an impending call to order to covered active-duty). A qualifying exigency includes: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; (8) Parental care; and (9) Any other leave for which the employer and employee have both agreed shall qualify as an exigency;



5. For the care of the employee's spouse, son, daughter, parent, or next of kin, who is a servicemember with a serious illness or injury incurred or aggravated in the line of duty. Employees eligible for this type of leave may be eligible for up to twenty-six (26) workweeks of leave, rather than the usual twelve (12), during a single 12-month period.

**Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other regular daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves at least two (2) visits to a health care provider or one (1) visit and a regiment of continuing treatment, or incapacity due to pregnancy or parental care, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. **The City requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.**

**Eligibility for Military FMLA Leave.** When electing to take FMLA leave for purposes of caring for a covered servicemember, the following definitions apply:

"Covered servicemembers" are current members of the Armed Forces, including members of the National Guard or Reserves, who are undergoing medical treatment, recuperation, or therapy, are otherwise in outpatient status, or are otherwise on the temporary disability retired list, for a serious injury or illness; or covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

"Serious injury or illness" means an injury or illness incurred by a covered servicemember in the line of duty on active-duty in the Armed Forces or that existed before the beginning of the member's active-duty and was aggravated by service in the line of duty on active-duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

In the case of a covered veteran, a "serious injury or illness" is an injury or illness that was incurred by the member in the line of duty on active-duty in the Armed Forces (or existed before the beginning of the member's active-duty and was aggravated by service in the line of duty on active-duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or a physical or mental condition

for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

**Duration of Military FMLA Leave.** Leave to care for a covered servicemember with a serious illness or injury, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Military FMLA leave runs concurrently with other leave entitlements provided under federal, state, and local law.

**Leave Year.** Except for purposes of leave to care for an injured servicemember, the leave year (the 12-month period), under this policy shall be calculated on a “rolling 12-month period” measured backward from the date an employee uses any FMLA.

**FMLA and Workers’ Compensation.** When an employee is on leave due to an on-the-job injury or illness which is a serious health condition under the FMLA, the workers’ compensation absence and FMLA leave will run concurrently.

**Advance Notice and Medical Certification.** If the leave is to be covered completely through the use of vacation or sick leave, then the employee should provide notice as required under those policies where possible. However, where the need for the leave is foreseeable, and if some or all of the leave will not be covered through the use of vacation or sick leave, the City requires that written notice be provided to the Human Resources Director thirty (30) days in advance of the leave. If leave is not foreseeable, then the employee must provide notice to the City as soon as practicable.

An employee requesting FMLA leave must furnish the City with a medical certificate to support the need for a leave due to the employee’s serious health condition or that of the family member. The medical certificate must be submitted to the Human Resources Director within fifteen (15) days after receiving the certification forms from the City, unless such submission is impracticable and the employee has made diligent, good faith efforts to comply with this deadline. The employee will also be required to provide periodic reports of the employee’s status while on leave. Further, the employee will be required to furnish recertification from a health care provider if he or she requests an extension of FMLA leave, if circumstances described by the previous certification have changed significantly, or if the City has information that casts doubt on the need

for continued leave. At the end of the leave, the employee will be asked to present a doctor's certificate of fitness to return to work. If an employee is unable to return from leave because of a serious health condition, medical certification may be required. **Employees who remain temporarily unable to perform their jobs after exhausting FMLA leave may request extensions of leave beyond the twelve-week limit. Employees must request the extension reasonably in advance of the expiration of the existing leave, and any such extension must be approved by the Human Resources Director.**

**Employment and Benefits Status.** During FMLA Leave, the City will maintain employees' health coverage under any "group health plan" on the same terms as if the employee had continued to work. In most circumstances, employees returning from FMLA leave will be restored to their original or equivalent pay, benefits, and other employment terms. The City may find it necessary to deny reinstatement to certain highly compensated employees, but only if it is found necessary to avoid substantial and grievous economic injury to the operation of the City. Employees who take advantage of FMLA leave will be eligible for any employment benefit that accrued prior to the start of the leave.

**Medical Insurance Coverage.** During FMLA leave, employees may continue to participate in the City's group health plan under the same conditions as if they continued to work. The City will make arrangements with employees requesting leave for the continued payment of the employee's share of the medical premium. If an employee fails to make premium payments as arranged and becomes in arrears for more than thirty (30) days, coverage may terminate. The employee may resume coverage when he or she returns from leave without having to re-qualify for insurance coverage.

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military.

**Use of Leave.** An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

**Substitution of Paid Leave for Unpaid Leave.** Employees must utilize available vacation time and sick time toward FMLA leave. Employees who request FMLA leave should consult with their supervisor for details on the availability of vacation time or sick time. In order to use paid leave for FMLA leave, employees must comply with the City's normal paid leave procedures.

**Employee Responsibilities.** Employees must provide the Human Resources Department 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When such notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide Human Resource Director with sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Human Resources Director if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The City also may require a second, and if necessary, a third opinion (at the City's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The City also may delay or deny approval of leave for lack of proper medical certification.

**City Responsibilities.** The City will inform employees requesting leave whether they are eligible under the FMLA. If they are, the City will notify them of their rights and responsibilities and will specify any additional information required. If employees are not eligible, the City will provide a reason for the ineligibility.

**Other Provisions.** Under an exception to the Fair Labor Standards Act ("FLSA") in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or when the City has approved the employment under its OUTSIDE EMPLOYMENT policy and the employee's reason for FMLA leave does not preclude the outside employment.

**Job Restoration After FMLA Leave.** The City will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

**Further Information.** For more information about our Family Medical Leave Policy, please contact the Human Resources Director or see the “Employee Rights and Responsibilities” form in the **Appendix**.

## **2. Jury Duty**

In the event an employee is summoned to serve jury duty, it is required that the employee provide proof of summons, as well as documentation for the period served on jury duty. Employees are expected to report to work during any time off, postponement, or similar break or delay in jury service of a half-day or more. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Employees will be granted temporary leaves of absence for time required to serve on jury duty. These leaves of absence are not to be counted as sick time, vacation, or any other accrued leave granted or provided by the City upon documentation verifying the jury duty service.

## **3. Military Leave of Absence**

The City complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military, and it provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services. The City also complies with state law pertaining to employees who serve in the military.

The City will grant a military leave of absence to employees who are required to miss work because of service in the United States uniformed services in accordance with USERRA. Employees must notify the City upon receipt of a notice that he/she will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable, and employees should provide the City with a copy of his/her official orders. When an employee receives notice that he/she will need a military leave of absence, please contact the Human Resources Director for further information regarding employee’s rights and responsibilities under USERRA.

**Arkansas Military Training Leave.** Arkansas law allows for civilian City employees who are members of the National Guard or Reserves to receive one hundred twenty (120) hours, plus necessary travel time, of military leave per calendar year for participation in a military training program or annual training or other duties performed in an official capacity. If this leave is not used in a calendar year it will accumulate for use in the succeeding calendar year until it totals one hundred twenty (120) hours at the beginning of the calendar year, for a maximum number of two hundred forty (240) military leave hours available in any one (1) calendar year.

In accordance with Arkansas Act 529 of 2023 uniformed city Police and Fire Firefighters who are members of the National Guard or Reserves to receive one hundred sixty-eight (168) hours, plus necessary travel time, of military leave per calendar year for participation in annual training or

other duties performed in an official capacity. If this leave is not used in a calendar year it will accumulate for use in the succeeding calendar year until it totals one hundred sixty-eight (168) hours at the beginning of the calendar year, for a maximum number of three hundred thirty-six (336) military leave hours available in any one (1) calendar year.

Employees are entitled to their regular salary during the time they are away from their job duties on this military training leave. This leave of absence shall be in addition to the regular vacation time allowed to the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.

**Arkansas Military Leave for Emergency Situations.** Employees called to duty in emergency situations by the governor or by the president of the United States shall be granted leave with pay not to exceed thirty (30) working days (a working day is calculated as an 8 hour day),<sup>4</sup> after which leave without pay will be granted. “Emergency situations”<sup>5</sup> shall mean any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof; threats to the public health or security; or threats to the maintenance of law and order. A working day is equivalent to 8 hours. This leave of absence shall be in addition to the regular vacation time allowed to the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.

#### **4. Organ Donor and Bone Marrow Donor Leave**

In addition to any medical, personal, or other paid leave employees may have accrued, employees may also be granted up to 90 days of unpaid leave to serve as an organ donor or bone marrow donor on written request for a leave of absence.

#### **5. Time Off to Vote**

The City complies with the time off for voting provisions established by local, state, and federal law, including Ark. Code Ann. § 7-1-102. Employees are encouraged to take advantage of early voting periods, which have extended voting hours. Time off under this Policy should be requested in advance and approved by the supervisor when it is not possible for an employee to vote before or after regular work hours.

#### **6. Time Off for Bereavement**

Bereavement leave of up to 24 hours with full pay will be granted, in the event of a death of an immediate family member. Immediate family member shall include mother, father, brother, sister, son, daughter, grandchild, and grandparents, whether by blood or by marriage; and those relatives living in the employee's household. Leave will not be paid if the employee is not scheduled to

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<sup>4</sup> Employees are only entitled to one 30 day period of paid leave under this provision when responding continually responding qualified emergency situation that spans from one calendar year to the next.

<sup>5</sup> A factual inquiry may be required to determine if an employee’s request for “emergency situation” military leave meets the meaning of such leave as prescribed by state law.

work during the requested time. The days the leave will be taken will be determined by the employee and his/her supervisor and need not be consecutive. Upon prior approval of the supervisor, unpaid travel time may be granted in situations where travel time of more than 8 hours is necessary. Annually, each employee is given 8 hours for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

#### **E. Catastrophic Leave Program**

In accordance with state law, the City of Benton provides a voluntary Catastrophic Leave Bank Program allowing eligible, participating employees having exhausted all available leave balances to receive additional Catastrophic Leave benefits for extended absences until the long-term disability policy provided by the City is met, which is 180 days after the date a doctor an employee's doctor takes them off work.

**Eligibility.** All regular full-time employees who have been employed by the City for at least one year of continuous service immediately preceding the request shall be eligible for catastrophic leave if the employee has exhausted all available paid leave time, provided adequate medical documentation for leave, including an approximate date of return and has not been disciplined or counseled for an abuse of leave during the immediately preceding five (5) years. All participation in this plan is voluntary.

**Enrollment.** Eligible employees may enroll in the plan by completing an enrollment form available from the Payroll Department. Participation will begin immediately after the employee becomes eligible and submits a completed enrollment form. Participation requires completion of an Enrollment and Contribution Authorization form during a scheduled open enrollment period.

Unless otherwise stated by the manager, open enrollment periods shall be January 1st through January 31st of each calendar year. Any employee may stop participation by notifying the Committee in writing of the intention to cease participation. The employee's participation will continue until the next plan enrollment period after receipt of a request for withdrawal from that employee. Such notice must be received by the Payroll Department before the end of the scheduled enrollment period.

**Contributions.** Contributions shall be made in at least one-hour increments, but the City's expectation is that employees' initial enrollment contributions will be for 16 hours/48 for firefighters (equal to 2 days of leave respectfully). After the initial contribution, the expectation is that an employees' annual contribution is a minimum of 8 hours/24 hours for firefighters (equal to one day of leave respectfully) to be contributed automatically during the first pay period which occurs on or immediately after January 15<sup>th</sup>. Employees currently participating in the Catastrophic Leave Bank will continue to be enrolled in successive years regardless of ability to contribute while receiving approved leave time.

**Catastrophic Leave Defined.** Catastrophic Leave shall mean sick leave required for treatment or recovery of a non-job-related injury or illness to the participating employee which exceeds two (2) weeks in duration as documented by an attending physician. The City may require an eligible employee to receive more than one physician's opinion regarding the eligible employee's illness.

Catastrophic Leave under this program shall end, or an employee will be ineligible for this leave, upon receipt of long-term disability program benefits, approval of disability benefits to uniform employees by the appropriate pension board, or a return-to-work date established by the attending physician, or as otherwise provided in this policy. Catastrophic leave is for any participating employee and may be used by an eligible employee for the care of any dependent child of the home or spouse that falls into the catastrophic category. When catastrophic leave is used to care for children or a spouse, the case will be reviewed by the catastrophic leave committee at the end of the first thirty (30) days. Catastrophic leave is not awarded retroactively, runs concurrently with FMLA leave and is only awarded if such leave is available in the catastrophic leave program.

**Catastrophic Leave Review Committee.** All requests for Catastrophic Leave shall be reviewed by a committee of six (6) members consisting of one (1) Fire department employee, one (1) Police department employee, one (1) Parks department employee, one (1) City General (Streets & Drainage, Animal Control, or General Fund) employee, the Payroll Coordinator or his/her designee and one (1) Human Resources representative. The employee's department head, or his or her designee, shall be present to answer any questions the Committee may have. Committee members will be chosen by the Mayor or his/her designee for a two-year period or as necessary to fill a vacancy. Committee members shall not serve consecutive terms. Attendance of a minimum of four (4) committee members shall be required to constitute a quorum. A quorum is required to be present for a valid vote to occur. The committee shall meet as required to review requests for a Catastrophic Leave approval. If no requests are pending, no meeting shall be required. Approval of a Catastrophic Leave request shall require a vote of approval of three-quarters (3/4) majority of the Committee membership.

**Request For Approval.** Upon determining that the requesting employee is a participant, and all required documentation is in place, the committee shall:

1. Complete a leave transfer approval form and forward it to the Payroll Coordinator for required data entry.
2. Specify the number of hours granted and the next review date for that request.

**Application Requirements.** Application for Catastrophic Leave must be made on a standard form which must include, or have attached:

1. Amount of time requested.
2. An attending physicians signed statement on the physician's letterhead, which shows; diagnosis, prognosis, projected return-to-work date, plus any anticipated restrictions on the employee's work activities at that projected return date.

**Approval And / Or Usage Of Catastrophic Leave.** The Committee's review shall ensure each of the following conditions has been met before approval of a request for Catastrophic Leave:

1. Requesting employee is enrolled as a participant in the program;
2. Proper documentation is complete and has been provided in a timely manner;



3. All accumulated leave (inclusive of both Sick Leave and Vacation Leave) has been exhausted by the employee. No Catastrophic Leave will be approved until all leave (inclusive of both Sick Leave and Vacation Leave) has been exhausted.
4. Catastrophic leave time is available for use in the City's catastrophic leave bank.

The decision of the committee to approve or deny Catastrophic Leave is final. The following conditions apply:

1. The Committee will only approve requests which will keep the Catastrophic Leave Bank in a positive balance.
2. Catastrophic Leave will be established as a separate leave type and employees absent while using Catastrophic Leave will not accrue other leave types. Upon return to active status, leave accruals will resume.
3. Leave contributed to the Catastrophic Leave Bank may not be restored to the contributing employee under any circumstance. Leave contributions are irrevocable when made.
4. Unused Catastrophic Leave credited to an employee will revert to the Catastrophic Leave Bank upon the employee's return to active status, or approval of disability or other benefits, prior to the exhausting of the credited Catastrophic Leave.
5. The Committee may approve Catastrophic Leave until the criteria for the long-term disability policy provided by the City is met which is defined as 180 days after the date the employee's doctor takes the employee off of work.
6. A recurrence of a condition causing the need for Catastrophic Leave within thirty (30) calendar days of use of previously granted catastrophic leave will be treated as a continuation of the same incident and will require only a written request from the employee for resumption of Catastrophic Leave within the limits previously approved by the Committee. A recurrence beyond thirty (30) calendar days of return to active status will be treated as a new case and will require submission of a new request form and documentation.
7. Participation and contribution to the Catastrophic Leave Bank will not affect participation or eligibility for any sick leave incentive program established by the City of Benton.
8. Contributions are made solely to the Catastrophic Leave Bank and may not be designated for any specific employee.
9. Participation in the Catastrophic Leave Bank program is from the initial enrollment date only. Participation cannot be made retroactive under any circumstances.

#### **F. Workers' Compensation**

The City complies with all applicable Worker Compensation Insurance laws. Generally, workers' compensation coverage will pay for reasonably necessary medical care needed if you get hurt or get sick because of an injury on the job. However, you must immediately report a work-related accident. Your failure to immediately report a work-related accident or to cooperate with the City and its workers' compensation carrier may delay or terminate your workers' compensation benefits. Workers' compensation coverage will also replace part of your lost wages if your doctor says you must be off from work for a certain length of time because of a work-related injury or illness. The City or its workers' compensation insurance carrier has the right to choose the doctor who will treat you.

You must:

- Complete all workers' compensation forms in a timely manner.
- Keep all appointments.
- Report all earnings you receive after your injury to the workers' compensation carrier.
- Receive approval from the workers' compensation claims handler before receiving treatment. If you are not satisfied with the doctor first assigned, ask your claims handler or carrier to approve another doctor.
- Return to work as soon as the doctor says you are able.

Should you have any questions or concerns, contact the Human Resources Director.

## **RECEIPT & ACKNOWLEDGMENT OF EMPLOYEE HANDBOOK**

This Employee Handbook is an important document (not a contract) intended to help you become acquainted with the City. This Handbook will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention. Because the general business atmosphere of the City and economic conditions are always changing, the contents of this Handbook may be changed at any time at the discretion of the City. **Please read the following statements and sign below to indicate your receipt and acknowledgment of the Employee Handbook.**

I have received and read a copy of the Employee Handbook. I state that I will be cooperative in complying with the policies set forth therein. I agree that the Handbook is not a contract of any kind, implied or expressed, including one for employment, but is for my information only. In consideration of my employment, I agree to conform to the rules and policies of the City of Benton, including those set forth in this Employee Handbook. Unless otherwise specified in this Handbook or by law, I understand that my employment and compensation can be terminated with or without cause, and with or without notice, at any time, at the option of either the City or myself. Uniformed employees are covered under the Benton Civil Service Commission.

I understand that the policies, rules and benefits described within are subject to change at the sole discretion of the City at any time. I understand that this Handbook replaces (supersedes) all other previous Handbooks for the City as of **January 1, 2024**.

Accordingly, I understand that no employee, Department Head, manager, or officer of the City, other than the Mayor, has the authority to verbally modify these provisions and that any representation to the contrary regarding my employment status by any employee, Department Head, manager, or officer of the City, other than the Mayor, is invalid and unenforceable.

I understand and acknowledge that I have no right or claim to any and all work product generated by me as a result of my employment with the City and that such work product is the sole property of the City. I am aware that during the course of my employment confidential information will be made available to me. I understand that this information is critical to the success of the City and must not be given out or used outside of the City's premises or with non-City employees. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or City. I understand that the City does not owe me, nor shall pay me, any royalties on any such work product.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the City's Employee Handbook.

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**Employee Name (Print/Type)**

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**Employee Signature**

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**Date**

### APPENDIX: CONTACT INFORMATION

Mayor: Hon. Tom Farmer ([Tom.Farmer@bentonar.org](mailto:Tom.Farmer@bentonar.org); (501) 315-6008)

City Clerk: Cindy Stracener ([Cindy.Stracener@bentonar.org](mailto:Cindy.Stracener@bentonar.org); (501) 776-5908)

City Attorney: Baxter D. Drennon ([Baxter.Drennon@bentonar.org](mailto:Baxter.Drennon@bentonar.org); (501) 776-5900)

Address: Benton Municipal Complex  
P.O. Box 607  
Benton, AR 72018

### COUNCIL MEMBERS

<b>Ward One, Position One</b> Frank Baptist	<b>Ward One, Position Two</b> Steve Brown
<b>Ward Two, Position One</b> Ann Spencer-Cole	<b>Ward Two, Position Two</b> Evelyn Reed
<b>Ward Three, Position One</b> Bill Donnor	<b>Ward Three, Position Two</b> Jeff Morrow
<b>Ward Four, Position One</b> Judd Hart	<b>Ward Four, Position Two</b> Shane Knight
<b>Ward Five, Position One</b> Steve Lee	<b>Ward Five, Position Two</b> Jeffrey Hamm

## FLSA POSTER

# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

## FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

### OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

### TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

### PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

### ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)



WH1088 REV 04/23

# ARKANSAS MINIMUM WAGE POSTER

## ARKANSAS DEPARTMENT OF LABOR AND LICENSING

# NOTICE to employer & employee

### MINIMUM WAGE

All employees covered by Arkansas Code 11-4-202 to 11-4-220 must be paid a minimum wage of at least: \$11.00 an hour effective January 1, 2021 with an allowance for gratuities not to exceed \$8.37 per hour.

### COVERAGE

The Arkansas Minimum Wage applies to an employer of four (4) or more persons. Common exemptions include:

- \*Executive, administrative or professional employees.
- \*Outside commission-paid salesmen.
- \*Students whose work is a part of a bona fide vocational training program.
- \*Students who work in the schools they are attending.
- \*Some farm laborers.
- \*Independent contractors.
- \*Employees of the United States.

### STUDENT RATE

Any full-time student attending any accredited institution of education within the State of Arkansas, and who is employed to work an amount not to exceed twenty (20) hours during weeks that school is in session or forty (40) hours during weeks when school is not in session, such rate of wage shall be equal to not less than eighty-five (85%) of the applicable minimum wage provided a Student Certificate of Eligibility is obtained from the Arkansas Department of Labor and Licensing. Student workers subject to the 85% provision of the applicable minimum wage rate and a gratuity allowance shall not be paid less than the base wage guaranteed any other employee subject to a gratuity allowance.

### HANDICAPPED WORKERS

The Director has established rules for employment of these workers. For further information contact the Department of Labor and Licensing.

### STUDENT-LEARNERS

A "Student-Learner" is a person who is receiving regular instructions in an accredited school and who is employed on a part-time basis in a bona fide training program. For further information contact the Department of Labor and Licensing.

### OVERTIME PAY

Overtime compensation must be paid at the rate of one and one-half times the regular hourly rate of pay for hours worked in excess of 40 hours in a workweek. This overtime provision shall not be applicable with respect to employers with less than 4 employees, or agricultural employees.

### WORKWEEK

A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods.

### ENFORCEMENT

The Director of the Division of Labor and his representatives have the authority to:

- enter and inspect any place of employment in the State to examine books, payrolls, and records having to do with wages and hours. He may copy these records if necessary and may question any employees to find out if the law is being obeyed;
- require written or sworn statements from an employer about his employees' earnings and hours of work; and
- enforce all administrative rules.

### DEDUCTIONS FROM THE MINIMUM WAGE

No deduction from the applicable minimum wage may be made except those authorized or required by law or by rule of the Director of Labor, however, deductions which are not otherwise prohibited and which are for the employee's benefit may be made if authorized in writing by the employee.

### KEEPING OF RECORDS

All employers subject to the Minimum Wage Law must keep accurate records for a period of three (3) years. These records must include the name, address, occupation, rate of pay, hours worked and the amount paid each pay period for all employees covered by the law. In addition, every employer who claims an allowance for tips, board, lodging, apparel or other items or services as part of the applicable minimum wage rate, must maintain daily records showing for each employee the amounts claimed as allowances and must maintain records which will substantiate the amount of tips actually received by the employee or the employer's reasonable cost in supplying items or services to the employee.

### EQUAL PAY ACT

No employer in the State of Arkansas shall discriminate in the payment of wages as between the sexes or shall pay any female in his employ, salary or wage rate less than the rates paid to male employees for comparable work. Provided, however, that nothing in this Act shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or difference in duties and services performed, or difference in the shift or time of the day worked, or any other reasonable differentiation except difference in sex. Every employer shall keep and maintain records of the salaries and wage rates, job classifications and other terms and conditions of employment of the persons employed by him and such records shall be preserved for a period of three (3) years.

### PENALTIES

Any employer who willfully hinders or delays the Director or his authorized representative in the performance of his duties in the enforcement of the Minimum Wage Law or of any rule issued under it shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this subsection, each such violation shall constitute a separate offense. Any employer who willfully discharges or in any other manner willfully discriminates against any employee because such employee has made any complaint to his employer, to the Director of Labor, or his authorized representative that he has not been paid minimum wages in accordance with the law, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to the law, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of the Minimum Wage Law and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each violation. For the purpose of this section, each day the violation continues shall constitute a separate offense. In addition to the civil penalty, the Director of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person, firm, corporation, partnership, or association who violates the provision of the law or any rule.

### EMPLOYEES REMEDIES

The Director of Labor may enforce Arkansas minimum wage law by instituting legal action to recover any wages due. An employee may bring an action for equitable and monetary relief against an employer if the employer pays the employee less than the minimum wages, including overtime wages, to which the employee is entitled. The employee shall not be required to exhaust administrative remedies before bringing an action. An employee may recover the full amount of wages due plus costs and a reasonable attorney's fee. The employee may also be awarded an additional amount up to but not greater than the amount of wages found to be due, to be paid as liquidated damages for willful violations.

### CHILD LABOR

After August 1, 2023, permits will no longer be required. NOTE: All state and federal laws regarding work activities and hours will remain in effect and will be enforced. Enhanced civil and criminal penalties for child labor law violations were provided by Act 687 of 2023.

State law regulates the employment of minors under the age of 17. Special provisions govern the employment of children in the entertainment industry, otherwise, children who are 14 and 15 years of age may not work:

- \*More than 8 hours a day.
- \*More than 6 days a week.
- \*More than 48 hours a week.
- Before 6:00 a.m. nor after 7:00 p.m. except on nights preceding non-school days, such children may work until 9:00 p.m.

Children under 14 may not be employed except in the entertainment industry, as newspaper carriers, bat boys or bat girls of professional baseball clubs, sports referees, to hand harvest short season crops, or by their parents or guardians during school vacation.

Children who are 16 years of age may not work:

- \*More than 10 consecutive hours in any one day, no more than ten (10) hours in a twenty-four hour period.
- \*More than 6 days a week.
- \*More than 54 hours a week.

Before 6:00 a.m. nor after 11:00 p.m. except that the limitations of 6:00 a.m. and 11:00 p.m. shall not apply to children 16 years of age employed on nights preceding non-school days in occupations determined by rule of the Arkansas Department of Labor and Licensing to be sufficiently safe for their employment. Provided, however, that no boy or girl between the ages of 16 and 18 shall be subject to the provisions of this Act if:

- such boy or girl is a graduate of any high school, vocational school or technical school;
- such boy or girl is married or is a parent.

Act 647 of 1987 allows for the employment of children in the entertainment industry provided the child is issued an Entertainment Work Permit by the Director of Labor. Child labor violations result in a civil money penalty of not less than \$100.00 and not more than \$5,000.00 for each violation.

### IF YOU HAVE QUESTIONS CONCERNING THE ARKANSAS MINIMUM WAGE LAW, TELEPHONE 682-4500.

### WAGE COLLECTION ACT

The Wage Collection Act provides assistance to any employee in the collection of wages due him or her for work performed. Work performed shall include all or any work or service performed by any person employed for any period of time where the wages or salary or remunerations for such work or services are to be paid at stated intervals or at the termination of such employment, or for physical work actually performed by an independent contractor, provided that the amount in controversy does not exceed the sum of two thousand dollars (\$2,000.00). Employees who need help in collecting wages due them should contact the Arkansas Labor Department and Licensing.

### THIS POSTER CONTAINS

#### ONLY A SUMMARY

Copies of the complete laws and administrative rules are available from the Department of Labor and Licensing.

### ARKANSAS DEPARTMENT OF LABOR AND LICENSING

DIVISION OF LABOR  
900 WEST CAPITOL SUITE 400  
LITTLE ROCK, ARKANSAS 72205  
PHONE (501) 682-4500  
FAX (501) 682-4506  
TDD (800) 285-1131

EMPLOYERS SUBJECT TO THE MINIMUM WAGE ACT ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE FOR ALL EMPLOYEES. 1/21



## UNEMPLOYMENT INSURANCE POSTER

### ARKANSAS Division of **WORKFORCE SERVICES**

### NOTICE TO EMPLOYEES HOW TO CLAIM UNEMPLOYMENT INSURANCE

Employees of **City of Benton**  
are covered by the Division of Workforce Services Law.

The Law provides Unemployment Benefits for unemployed workers and under certain conditions for those working only part time.

As a covered employee, your employer has contributed to or will reimburse the Arkansas Unemployment Trust Fund from which benefits are paid. **NO DEDUCTIONS CAN BE MADE FROM YOUR WAGES FOR THIS PURPOSE.** Be sure your employer has your correct Social Security Number.

- A. If and when you know you are going to be out of work for a calendar week or more, **YOU SHOULD PROMPTLY:**

File a claim for benefits through the Division of Workforce Services.

We will try to help locate work for you both before benefit payments start and while they are being paid.

- B. If you are attached to a regular employer, working less than full time due entirely to lack of work, you may be eligible for partial Unemployment Insurance Benefits.

In that case, claim partial benefits --**promptly**--by reporting the facts (dates, wages, employer).

**Do not delay doing this.**

Our Local Office will answer questions and supply further information.

Full time Local Offices are situated in the following cities to provide services to Unemployment Insurance Claimants:

Arkadelphia  
Batesville  
Benton  
Blytheville  
Camden  
Conway  
El Dorado  
Fayetteville  
Forrest City  
Fort Smith

Harrison  
Helena  
Hope  
Hot Springs  
Jonesboro  
Little Rock  
Magnolia  
Malvern  
Mena  
Monticello

Mountain Home  
Newport  
Paragould  
Pine Bluff  
Rogers  
Russellville  
Searcy  
Texarkana  
West Memphis

**CAUTION:** False statements to obtain benefits, concealment of material facts, or failure to report earnings for the purpose of obtaining or increasing Unemployment Insurance Payments, are violations of criminal laws and lead to prosecution.

\*\*\* Servicios de Interpretación/Traducción disponibles por medio de su oficina local. --- Ewôr Jerbal in ukok ikijien jeje im kennoan ilo opij ko ijo kwaj päd ie.  
--- Các Dịch Vụ Thông Dịch/Phiên Dịch có sẵn qua văn phòng địa phương của quý vị. --- 所有服務均設於各地方辦事處。--- Interpretation/Translation services available through your local office. \*\*\*

## WORKERS' COMPENSATION POSTER

<b>Form AR-P</b>	<b>ARKANSAS WORKERS' COMPENSATION COMMISSION</b> 324 Spring Street, Little Rock, AR 72201 Mail: P. O. Box 950, Little Rock, AR 72203-0950 Little Rock Office - 1-800-622-4472 / 501-682-3930 Springdale Office - 1-800-852-5376 / 479-751-2790	<b>P</b>
Ark. Code Ann. §11-9-403, 407 AWCC Rule7 Updated: 06-16-14		

### **WORKERS' COMPENSATION INSTRUCTIONS TO EMPLOYERS AND EMPLOYEES**

All employees of this establishment entitled to benefits under the provisions of the Arkansas workers' compensation laws are hereby notified that their employer has secured the payment of such compensation as may at any time be due employees or their dependents. This employer is required by state law to provide workers' compensation coverage or this employer has waived the exclusion or exemption from the operation of the workers' compensation laws, and the employer certifies by the display of this poster that workers' compensation coverage is now provided by a workers' compensation insurance policy or by enrollment in the Arkansas Self-Insurance Program or by the Public Employee Claims Division of the Arkansas Insurance Department.

(Place label indicating Insurer's Name,  
Claims Office Address, Claims Office Phone Number  
and Policy Expiration Date)

#### **IN CASE OF JOB-RELATED INJURIES OR OCCUPATIONAL DISEASES**

##### **The Employer Shall:**

1. Provide all necessary medical, surgical and hospital treatment, as required by law, following the injury and for such additional time as ordered by the Workers' Compensation Commission.
2. Provide compensation payments in accordance with the provisions of the law. The first installment of compensation becomes due on the 15<sup>th</sup> day after the employer has notice of the injury or death, except in those cases where liability has been denied by the employer.
3. Provide prompt reporting of accidents to appropriate parties.
4. Keep a record of all injuries received by its employees.

##### **The Employee Shall:**

The employee shall report the injury to the employer on Form N and to a person or at a place specified by the employer, unless the injury either renders the employee physically or mentally unable to do so, or the injury is made known to the employer immediately after it occurs. The employer shall not be responsible for disability, medical, or other benefits prior to receipt of the employee's notice of injury. All reporting procedures specified by the employer must be reasonable and shall afford each employee reasonable notice of the reporting requirements. The foregoing shall not apply when an employee requires emergency medical treatment outside the employer's normal business hours; however, in that event, the employee shall cause a report of the injury to be made to the employer on the employer's next regular business day.

Failure to give such notice shall not bar any claim (1) if the employer had knowledge of the injury or death, (2) if the employee had no knowledge that the condition or disease arose out of and in the course of employment, or (3) if the Commission excuses such failure on the grounds that for some satisfactory reason such notice could not be given. Objection to failure to give notice must be made at or before the first hearing on the claim.

##### **Statutory Information:**

Ark. Code Ann. § 11-9-514(b) states: "Treatment or services furnished or prescribed by any physician other than the ones selected according to the foregoing, except emergency treatment, shall be at the claimant's expense."

Ark. Code Ann. § 11-9-514(f), however, indicates: When compensability is controverted, subsection (b) shall not apply if:

- (1) The employee requests medical assistance in writing prior to seeking the same as a result of an alleged compensable injury; and
- (2) The employer refuses to refer the employee to a medical provider within forty-eight (48) hours after such written request as provided above; and
- (3) The alleged injury is later found to be a compensable injury; and
- (4) The employer has not made a previous offer of medical treatment.

If you have any questions regarding your rights under the Arkansas workers' compensation laws, you may call an Arkansas Workers' Compensation Commission legal advisor at our toll-free number listed above.

All employers who come within the operation of the Arkansas workers' compensation laws and have complied with its provisions must post this notice in a **CONSPICUOUS** place in or about their place or places of business.

**P**



## EEO IS THE LAW POSTER



# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

### Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

### What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

### What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

### What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

### What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

**Submit** an inquiry through the EEOC's public portal:  
<https://publicportal.eeoc.gov/Portal/Login.aspx>

**Call** 1-800-669-4000 (toll free)  
1-800-669-6820 (TTY)  
1-844-234-5122 (ASL video phone)

**Visit** an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))

**E-Mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).



### Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

#### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

#### INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

#### DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4213, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

#### RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately.

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (T\*TY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

### Programs or Activities Receiving Federal Financial Assistance

#### RACE, COLOR, NATIONAL ORIGIN, SEX






In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.



#### INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

## USERRA POSTER





# YOUR RIGHTS UNDER USERRA

## THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment



because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.


### ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.


The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.




**U.S. Department of Labor**  
1-866-487-2365



**U.S. Department of Justice**



**Office of Special Counsel**



**ESGR**  
EMPLOYER SUPPORT OF  
THE MILITARY CAREER ADVISOR

**1-800-336-4590**

Publication Date — May 2022

APPENDIX 8



## OSHA POSTER



**OSHA®**  
Occupational Safety  
and Health Administration

# Job Safety and Health IT'S THE LAW!

### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

### Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

**Contact OSHA. We can help.**



**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**

OSHA 3165-01-1019

## FMLA POSTER

# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, **to request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call **1-866-487-9243** or visit [dol.gov/fmla](https://www.dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR



WH1420 REV 04/23

# **CHEMICAL RIGHT TO KNOW ACT POSTER**

## **PUBLIC EMPLOYEES' CHEMICAL RIGHT TO KNOW ACT**

### **PURPOSE**

The purpose of this law is to provide public employees access to training and information concerning hazardous chemicals in order to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

### **PUBLIC EMPLOYERS' DUTIES**

Public employers are responsible for the following as set out by the law:

1. Post adequate notice to inform employees of their rights
2. Ensure proper chemical labeling
  - a. Existing labels on containers of hazardous chemicals are not to be removed
  - b. If a chemical is transferred to another container, it must also be labeled with the name and appropriate warnings, as provided in this law
  - c. A public employer is not required to label chemicals that have been transferred to a portable container by an employee when that employee is going to immediately use the chemical.
3. Maintain and make material safety data sheets available
  - a. Chemical manufacturers and distributors must provide public employers with the appropriate MSDSs within the prescribed times
  - b. Public employers must maintain current copies of each MSDS and have them available to employees and their designated representatives upon request within the prescribed time
  - c. The employer must not require an employee to work with a chemical until a MSDS can be furnished except as indicated by this law
  - d. An employee who declines to work with a chemical may not be penalized
  - e. Public employers shall provide a copy of MSDSs to the Director of Labor upon request
4. Compile and maintain a workplace chemical list for hazardous chemicals used, generated, or stored in amounts of 55 gallons or 500 pounds or more
  - a. The Workplace Chemical List must show the chemical or common name used on the MSDS and/or the container label, the Chemical Abstracts Service Number and the work area where it will normally be used, generated, or stored
  - b. Chemical lists shall be filed with the Director of Labor no later than October 14, 1991, updated when necessary, and refiled July 1 of each year
5. Provide employees with information and training
  - a. The Director of Labor is responsible for maintaining a general information and training assistance program to aid public employers
  - b. Additional training must be provided when a new hazard is introduced, when new information is received, or before new employees are assigned to a job
  - c. Information and training programs must meet the requirements specified in the law and in the regulations of the Director of Labor.
  - d. Information and training programs must be developed by January 15, 1992, and initial information and training must be provided prior to July 15, 1992. Employers must keep a record of the dates of training sessions given to their employees.
  - e. The Director of Labor's rules and regulations concerning refresher training and training exemptions must be followed

6. Handle trade secrets in accordance with provisions set out in the law

- a. The Director of Labor can request data substantiating a trade secret claim when asked to by an employee, designated representative, or public employer
- b. All information will be kept confidential

### **PUBLIC EMPLOYEES' RIGHTS**

Public employees who may be exposed to hazardous chemicals must be informed and shall have access to the Workplace Chemical List, MSDSs for the chemicals on the list, and information and training as provided in this act.

A public employee cannot be disciplined, discharged or discriminated against for requesting information, filing a complaint, assisting an inspector of the Department of Labor and Licensing, causing any complaint or proceeding to be instituted, testifying in any proceeding, or exercising any right afforded by this law.

Any waiver of the benefits or requirement of this law are a violation and are therefore null and void.

### **COMPLAINTS AND INVESTIGATIONS**

The Director of the Department of Labor will investigate written and oral complaints from public employees concerning violations of this law. The Director or his designated representative has the authority to enter the workplace and conduct a thorough investigation of the complaint as specified by this law.

### **ENFORCEMENT**

If the Director of Labor finds a public employer in violation of this law, he shall issue an order to cease and desist the act or omission constituting the violation.

If the Director of Labor finds that a public employer has failed to provide the required information and training by the prescribed time, he may conduct the program and charge the employer for the costs incurred.

Violation of this act shall be cause for adverse personnel action against the responsible supervisor as set out in this act.

### **CAUSE OF ACTION - ATTORNEY FEES**

Any citizen denied their rights under this law may commence civil action in circuit court and the court shall hear the petition within seven days.

The court shall have the jurisdiction to restrain violations of this act and to order all appropriate relief. Those who refuse to comply with these orders will be in contempt of court.

Attorney fees and court costs will be assessed to the defendant and plaintiff as set out by the law.

### **NO EFFECT ON OTHER LEGAL DUTIES**

The provision of information to a public employee does not affect the liability of the employer with regard to the health and safety of the employee, or the employer's responsibility to prevent the occurrence of occupational disease.

The provision of information to an employee also does not affect any other duty or responsibility of a chemical manufacturer or distributor to warn users of a hazardous chemical.

### **ARKANSAS DEPARTMENT OF LABOR AND LICENSING**

**900 W. Capitol Avenue; Suite 400**

**Little Rock, Arkansas 72201**

**PH. (501) 682-4500**

**EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE**