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## **PREFACE**

### **A. MISSION STATEMENT**

The mission of the City of Hot Springs is to provide outstanding public service in a courteous manner to its residents and visitors on a daily basis and to offer programs and services that meet the future needs of a growing, diverse population.

### **B. CODE OF CITIZEN SERVICE**

(As Adopted by Resolution No. 3694; May 19, 1997)  
This Code will be known and followed by all City employees.

If Hot Springs hopes to increase its population base and commercial development, all City employees must work together as a team to insure that residents and visitors are pleased with our public contacts and services provided.

All employees shall take part in any training required for their positions and particularly training provided for the best possible service to the citizens.

Each employee shall understand their job responsibilities, their standards of performance and the goals of their department and work unit.

Each employee should know the needs of their customers, both internal and external, in order to provide the services they expect.

Each employee should think of himself as an ambassador of the City, both in and outside of the workplace.

An employee receiving a complaint or a request for service should handle that complaint or request until it's resolved or satisfied. If the complaint/request is beyond your department, it should be directed to the appropriate department.

Employees should react quickly to complaints or requests. Do everything to insure that citizens are satisfied with the service the City provides.

If a citizen is dissatisfied or rude, do not respond in a negative way. Remain polite, and refer the citizen to a supervisor. At no time should a City employee be rude or unresponsive to any citizen or to another employee.

Remember that you are always in the public eye. Consider every action, rest period or public contact as if it were appearing on the front page of the newspaper.

Be courteous, have a ready smile and a pleasant tone of voice, even when you have to give citizens news they don't want to hear. Use phrases such as "Good afternoon, may I help you, sir/ma'am?" or "I'd be happy to look into that and get back to you later today" or "I'm sorry, but I can't do that; could I make another suggestion?"

When dealing with the public, whether on duty or off duty, try to keep a positive attitude. While there are negative aspects to any situation, there are also positive aspects. We want residents and potential residents to know about the positive aspects of our City. We only hurt ourselves when we run down some aspect of our City.

Try to escort citizens who ask you about getting to a particular location or destination if it's reasonably convenient. Don't just point them in a general direction.

Try to be generally knowledgeable about the functions of City departments, particularly about those areas about which you are frequently asked.

Use proper telephone etiquette. Try to answer every phone call within three rings. Answer with a friendly, interested tone of voice. If you must transfer a call, explain that the caller needs to speak to another party. Ask the caller, "May I place you on hold?" and, if they agree, then call the appropriate party telling the name of the person calling and the subject of their call before you actually put the call through.

Take pride in and care of your personal appearance and the appearance of your workplace.

Ensure that you know your role in all situations. When you see other City employees behaving rudely to the public or engaging in improper public behavior, realize that this hurts all of us. All employees must accept responsibility for informing their supervisor or other responsible person that these things are happening. The future of our City and our own job security depend on our doing everything possible to make this a satisfying place to live and work.

Promoting the City of Hot Springs and serving its citizens is the responsibility of every employee.

### **C. CITY GOVERNMENT**

Hot Springs operates under a City Manager form of government. The City Manager is the chief executive officer and is appointed by the Board of Directors. He is responsible for overall management and operation of city government. The Board of Directors is the supreme legislative and executive body of municipal government. The Board is composed of seven members who are elected for four-year terms. Six Board members are elected from districts; the Mayor is elected at large and presides at Board meetings.

### **D. CIVIL SERVICE COMMISSION**

All uniformed police and fire employees, once they have completed their probationary period, are governed by the City of Hot Springs Civil Service Commission. The composition and duties of the commission are established by state law.

# **CHAPTER 1**

## **GENERAL POLICIES**

### **1.1 PURPOSE**

The purpose of this Handbook is to inform you of the benefits to which you are entitled and of your responsibilities as an employee of the City of Hot Springs. If you have any questions regarding any of the information in this Handbook, do not hesitate to discuss the matter with your supervisor, your department head or the City's Human Resources Director.

The policies contained in this Handbook will be revised as justifiable needs arise. You will be furnished with a copy of any revisions, and it will be your responsibility to maintain your handbook in an up-to-date status. Handbook revisions will be distributed with payroll. Employee suggestions are encouraged and should be submitted to the Human Resources Director.

The use of personal pronouns in the masculine form in this Handbook is in accordance with accepted rules of English grammar and should be interpreted as referring equally to males or females.

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

### **1.2 SCOPE**

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

### **1.3 PERSONNEL RECORDS**

A personnel file will be maintained for you and will contain all information pertinent to your employment. You will have the right to examine your own personnel file during office hours; however, no other employee will be allowed to examine your personnel file without your written consent. Further, no other individual or agency, other than management, will be allowed to examine your personnel file without your written consent, except as may be authorized under the Freedom of Information Act. If you file any type of complaint against the City or any department or employee of the City, you will be considered to have authorized the release of your personnel file to the agency, committee, court or any other party with which the complaint is filed.

## **CHAPTER 2**

### **EQUAL EMPLOYMENT OPPORTUNITY**

#### **2.1 EQUAL OPPORTUNITY EMPLOYER**

It is the policy of the City of Hot Springs, Arkansas that no person will be denied the right of employment or advancement in city government, nor will any person be denied admission or access to any of the City's programs or activities, on the basis of political or religious affiliations; race; sex; age; national origin; color; physical or mental disability; veteran status; or any other non-merit factor. It is recognized that certain affirmative actions must be carried out to guard against discriminatory practices whether apparent or concealed, intentional or unintentional. The City will employ such affirmative actions to the fullest extent possible and will make adherence to their principles a basis for evaluating job performance among department heads and employees. Further, the City will attempt to refrain from doing business with or associating with firms that openly and knowingly practice any form of discrimination in their employment practices.

#### **2.2 HARASSMENT**

Any form of harassment based on race, religion, color, sex, national origin, age, disability or veteran status is strictly prohibited. All employees will be provided a professional work environment representative of fair and courteous treatment that is free of any intimidation, hostility or harassment. Harassment of any degree or form negatively affects morale, motivation and job performance and is detrimental to a harmonious working environment. Employees are not to engage in activities or conduct that can be perceived to be harassment, and harassment in any form will be considered serious misconduct. Any employee found guilty of violating provisions of this policy will be subject to appropriate disciplinary action.

Harassment is considered to be any annoying, persistent act or actions that single out an employee (to that employee's objection or detriment) because of race, religion, color, sex, national origin, age, disability or veteran status. Examples of harassment include, but are not limited to:

- verbal abuse or ridicule;
- interference with an employee's work;
- displaying or distributing sexually offensive, racist or other derogatory materials;
- discriminating against any employee in work assignments or job-related training due to any of the above criteria;
- intimate physical contact;
- making offensive sexual, racial or other derogatory innuendoes;
- and

- demanding favors (sexual or otherwise) as a condition of employment, promotion, transfer or any other term or condition of employment.

If you feel that you have been harassed, or if you become aware of harassment activities, you should discuss the matter with your supervisor or department head. However, if you feel that you are being harassed by your supervisor and/or department head, or if you are not comfortable discussing the problem with them, then the incident may be reported directly to the Human Resources Director. Complaints may be made verbally or in writing. All complaints of harassment will be thoroughly investigated and appropriate disciplinary action taken when warranted.

## **CHAPTER 3**

### **GENERAL EMPLOYMENT POLICIES**

#### **3.1 AT-WILL EMPLOYER**

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

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

#### **3.2 EMPLOYMENT STATUS**

##### **3.2.1 Non-Uniformed**

As a non-uniformed employee, you are hired under the City's employment-at-will policy which provides that a condition exists between you and the City by which you may voluntarily leave a job or be terminated by the City for any reason, with or without cause. Nothing contained in this handbook or any other document provided to you is intended to be, nor should it be construed as, a guarantee that employment or any benefit will be continued for any period of time. Any salary figures provided to you in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period of time. As an at-will employee, your employment status will be classified as one of the following:

- **REGULAR FULL-TIME** - all non-uniformed employees filling a specific budgeted position which involves working at least forty hours per week and which includes all appropriate benefits
- **REGULAR PART-TIME** - all non-uniformed employees filling a specific budgeted position which involves working less than forty hours per week; not entitled to any benefits except as specifically noted hereinafter
- **TEMPORARY** - all non-uniformed employees filling seasonal or short duration positions; may be either full-time or part-time; not entitled to any benefits

##### **3.2.2 Uniformed**

All uniformed police and fire employees are hired in accordance with current civil service rules and regulations. Nothing contained in this Handbook or any other document provided to the employee is intended to be, nor should it be

construed as, a guarantee that employment or any benefit will be continued for any period of time. Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to and do not create an employment contract for any specific period of time.

Any person newly appointed to the police or fire department serves a probationary period of twelve (12) months. During this time, an employee may be discharged by the Chief with or without cause.

### **3.3 RETIREMENT**

#### **3.3.1 Non-Uniformed**

The City participates in the Arkansas Public Employees Retirement System (APERS). Monthly contributions are made by the City for this benefit. All employees hired on or after July 1, 2005 (who meet certain eligibility requirements for participation) will be enrolled as a contributory member and must contribute 5 percent of their pre-tax earnings into the retirement system. Detailed information is available in the Human Resources Department.

#### **3.3.2 Uniformed (Police and Fire)**

The City of Hot Springs participates in the Arkansas Local Police and Fire Retirement System (LOPFI). Both the employer and the employee contribute a percentage of gross wages to this system. Uniformed police and fire employees do not participate in social security except that those hired on or after April 1, 1986 pay the Medicare portion of that tax. You will receive a handbook from LOPFI outlining your retirement benefits.

### **3.4 PAY FOR ACCRUED LEAVE**

When your employment with the City terminates (for any reason), payment for any accrued leave to which you are entitled will be made in a lump sum payment; you will not be permitted to “ride out” your accrued leave. The last day you actually work will be your termination date, and you will be removed from the City’s payroll records as of that date except in cases where you have been on sick leave due to illness or injury as verified by your physician.

### **3.5 NEPOTISM**

This section sets forth the policy regarding the employment of relatives (nepotism) for all permanent and temporary employees of the City of Hot Springs. It also addresses situations where such employees become involved in consensual social or economic relationships, which includes, but is not limited to, sharing the same residence or “dating.” The intent of the policy is to avoid conflicts of interest, morale problems, the possibility or appearance of favoritism, and the potential for emotional interference with job performance.

A conflict of interest is inherent if a familial or consensual relationship exists between an employee and any person for whom the employee has direct

supervisory responsibility. Supervisory responsibility includes, but is not limited to, appraising the performance of subordinate employees, recommending salary increases and promotions, and taking or recommending disciplinary action. Any such conflict of interest affects the City's obligation to provide equal treatment for all persons in the terms and conditions of employment.

- No employee shall be hired, transferred, promoted, demoted or otherwise placed into a position under the immediate supervision of a relative. The term "relative" shall mean all persons related by blood, spouse's blood relatives, legal adoptions and guardianships.
- No employee shall be hired, transferred, promoted, demoted or otherwise placed into a position under the immediate supervision of an employee living with the subordinate employee in a spousal relationship, though unmarried, or engaged in a consensual social relationship, such as "dating."
- In the event a person becomes a relative of, or becomes involved in a consensual relationship as described above, an employee who has supervisory responsibility over such person, the following steps shall occur:
  - The persons in such a relationship must report it to their supervisor, who shall report it to the Department Head. The Department Head shall report it to the Director of Human Resources who, in conjunction with the Department Head, shall consult and determine the best approach to resolving any potential conflicts. The resolution may involve any action which will further the intent of this policy. Failure to report a relationship as required will result in disciplinary action including termination.
  - All cases in which relatives of present employees are considered for placement shall be reviewed by the Director of Human Resources prior to such placement.
  - The Director of Human Resources shall prepare and retain a report that specifies the appropriate action taken pursuant to this policy, which shall note any specific action taken to eliminate any potential conflict of interest.
- All reports generated pursuant to this policy shall remain confidential, to the extent permitted by Arkansas and federal law, but may be disclosed as evidence in the process of investigating sexual harassment or sexual discrimination complaints.

- All employees should note that relationships must not affect their work and professional image and behavior must be maintained at all times.

### **3.6 HIRING PROCEDURES**

#### **3.6.1 Non-Uniformed Positions**

The Department Head shall submit to the Human Resources Department a Personnel Request Form to request filling the vacancy. Requisitions for Assistant Department Head and above must be approved by the Director of Human Resources and the City Manager before the candidate search and/or referral process is initiated.

A determination to restrict recruitment to City employees or open simultaneously to the public will be made by the Human Resources Department and the Department Head. A request to restrict recruitment to City employees in a specific division or section must be approved by the Department Head and the Director of Human Resources.

The City will strive to fill vacancies by promotion of persons already employed by the City. Employees seeking promotions or other position change must submit an Application for Position Change Form and compete in the selection process as announced. To be eligible to compete for a position announced as limited to City employees, applicants must be on the City's payroll during the internal advertisement/posting period **and** at the time of the job offer. Individuals who do not meet these criteria will be disqualified.

#### **3.6.2 Uniformed Positions**

The procedure for filling uniformed Police and Fire entry-level vacancies is published in a procedure guideline specific to each classification.

The procedure for filling uniformed Police and Fire vacancies above entry level is prescribed in the Civil Service Commission Promotion Procedure Guidelines.

#### **3.6.3 Reinstatement of Police Officers**

If a police officer voluntarily separates his employment, leaves in good standing and applies for reinstatement within six months after his termination, the Chief has the authority to determine if the officer should be reinstated. The Chief's decision will be final and binding. If the Chief's decision is in favor of reinstatement, the following requirements must be met:

- There must be an entry-level position available
- The officer requesting reinstatement must undergo and pass a complete physical exam regardless of the length of time since his last exam. The exam will be performed by physician(s) of the City's choice and will be paid for by the individual requesting reinstatement.

- The Police Department must complete a background investigation of the officer requesting reinstatement; the results of this investigation must be satisfactory.

Any officer reinstated, regardless of his previous rank, will be reinstated as an entry-level police officer and will be paid at the current entry-level salary for police officers. His reinstatement date will become his new hire date for all purposes except pension. (The hire date for pension purposes will be adjusted only if the officer, within ninety (90) days of reinstatement, elects to “buy back” his previous time in the pension system.) Any reinstated officer must serve a one-year probationary period beginning with the day of his reinstatement.

If no position is available at the time of application and approval for reinstatement, the individual will then be eligible for reinstatement into a position which may become vacant within the six months after his termination date. If no position becomes available during that six months, the individual will no longer be eligible for reinstatement.

#### **3.6.4 Job Announcement and Posting**

If an appropriate eligibility list already exists, generally the vacancy will not be announced and posted. An eligibility list will be considered appropriate, if it is active and it was created for the target classification (same job specification and job description.)

If an appropriate eligibility list does not exist for a full-time regular or full-time limited service position, the vacancy shall be announced and posted. Position vacancies announced “open to the public” or “limited to City employees” shall normally be announced and posted in the Human Resources Department at least ten (10) business days prior to the closing date. Vacancies that are “open to the public” are posted for ten (10) days and vacancies “limited to City employees” are posted for five (5) days. However, with specific written approval of the Department Head and the Director of Human Resources, a job vacancy may be posted less than ten (10) days prior to the closing date. All announcements for Civil Service position shall be posted at least ten (10) business days.

Recent recruiting results and job market trends may necessitate that some positions be announced as “open until filled.” Consequently, the application period for such positions may be closed without notice.

Copies of the official announcement form for positions open to the public will be distributed to all City departments and as appropriate to public and private agencies, local colleges and universities, civic and community organizations, and other sources which provide recruitment resources. Additionally, these

announcements will be placed on the Human Resources bulletin board and on the City Internet homepage.

Department Heads shall ensure timely distribution and posting of job announcements on designated Department bulletin boards.

If the applicant pool for a vacant position is limited to current employees of one department, the announcement shall be sent to that department only.

A position vacancy for a regular full-time position may be announced and referred as "Limited to City Employees," even if an existing "Open to the Public List" for the position exists.

### **3.6.5 Job Vacancy Advertising**

To ensure the accuracy and consistency of all forms of advertising designed to recruit applicants pursuant to a specific City job announcement, all employment advertising shall be reviewed and approved by the the Human Resources Department before placement of such ads.

The hiring authority and Human Resources staff shall determine if the routine posting and distribution process (internal distribution of announcement and City internet homepage) is appropriate.

### **3.6.6 Application for Employment, Promotion or Other Position Change**

- Individuals seeking employment with the City must complete and submit the specified application documents (as stated on the job announcement) to the Human Resources Department by the closing time on the closing date as stated on the job announcement. Persons in part-time or temporary positions applying for a full-time regular or full-time limited service position and persons applying for rehire must also provide these completed documents as stated on the job announcement.
- Employees seeking promotion or other position changes must complete and submit to the Human Resources Department by 5:00 p.m. on the closing date a City of Hot Springs application for transfer/promotion and all other documents specified on the job announcement.
- Applications and application documents shall not be accepted after the closing date and time stated on the job announcement. Incomplete applications and/or application packets which preclude the determination of qualifications by the Human Resources staff will result in disqualification. (NOTE: Standards relative to entry-level police officer recruiting may permit an opportunity to correct

some omissions and deficiencies in the application process.) Only those documents (or portions thereof) received by 5:00 p.m. on the announced closing date shall be considered.

- The hiring authority shall be responsible for verification of certificates, diplomas, licenses, education and experience of referred applicants.
- Any deviation from this policy shall require specific written approval of the Director of Human Resources.

### **3.7 NOTIFICATION**

As a condition of employment with the City, employees must abide by the terms of the substance abuse policy and report any conviction under a criminal drug or alcohol statute including DWI convictions. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

## **CHAPTER 4**

### **COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS**

#### **4.1 WORK PERIODS**

##### **4.1.1 Non-Uniformed**

The work period for all non-uniformed employees begins at 12:00 A.M. each Saturday and continues for seven consecutive calendar days, ending at 11:59 P.M. the following Friday. You will normally be scheduled to work forty hours during each seven-day period.

##### **4.1.2 Uniformed (Police and Fire)**

The work period for all uniformed police personnel and uniformed fire personnel assigned a forty-hour shift begins at 12:00 A.M. each Saturday and continues for seven consecutive calendar days, ending at 11:59 P.M. the following Friday. You will normally be scheduled to work forty hours during each seven-day period. Non-exempt employees (as defined by the Fair Labor Standards Act) will receive overtime pay (one and one-half times their regular rate) or compensatory time for all worked hours which exceed forty during any seven-day work period.

The work period for all uniformed fire personnel assigned a 24-hour shift consists of 19 consecutive calendar days. Non-exempt employees (as defined by the Fair Labor Standards Act) will receive overtime pay (one and one-half times their regular rate) or compensatory time for all worked hours which exceed 144 during their established 19-day work period.

Any employee who is called into work outside his regular scheduled shift will be paid for a minimum of two hours per 24-hour period. Any amount paid to an employee by a court for a court appearance will be deducted from the overtime due.

#### **4.2 PAY DAYS**

The City operates a biweekly pay system, and employees receive a paycheck, showing itemized statements of earnings and deductions, every other Thursday. Should a payday fall on a holiday, paychecks will be issued the preceding day.

In addition, employees may elect Direct Payroll Deposit by authorizing Human Resources to deposit their earnings directly into an account at a financial institution of their choosing.

#### **4.3 LONGEVITY PAY**

Longevity pay is given to all regular full-time employees following the completion of one year's service and will be paid on a biweekly basis. More information is available in the Employee Program Section of this handbook.

## **4.4 OVERTIME AND COMPENSATORY TIME**

### **4.4.1 Overtime**

Non-exempt employees (as defined by the Fair Labor Standards Act) will receive overtime pay (one and one-half times their regular rate) or compensatory time for all worked hours which exceed forty during any seven-day work period. Any employee who is called into work outside his regular scheduled shift will be paid for a minimum of two hours per 24-hour period.

### **4.4.2 Compensatory (Comp) Time**

All compensatory (comp) time must be in accordance with the following guidelines:

- If you are to receive comp time, there must be an agreement or understanding between you and your supervisor **BEFORE** the performance of any overtime work for which comp time will be given. In other words, you must be aware that you will not receive overtime pay for the hours worked.
- You will not be permitted to accrue more than forty hours of comp time (26-2/3 hours of actual overtime worked times the one-and-one-half overtime rate).
- Accrued comp time must be used as soon as possible and no more than ninety calendar days after it is earned. In no case will you be permitted to “carry” comp time for more than ninety days.
- When you request the use of your accrued comp time, you will be permitted to use such time within a reasonable period after making your request as long as it does not unduly disrupt the operations of the department.
- Upon termination of employment, you will be paid for any accrued unused comp time at a rate not less than your average rate of pay during the last three (3) years of your employment. Under normal circumstances, the regular rate of pay at the time of termination will be used unless that rate is less than the three-year average.

## **4.5 PROMOTION PROCEDURES**

### **4.5.1 Non-Uniformed**

Whenever a job vacancy occurs within any City department, a notice of such opening will be posted in all City departments. If you wish to apply for the open position, you may do so by contacting the Human Resources Department within the period of time noted on the job posting (minimum of five working days). Outside applications may also be accepted during this period. Current employees will be given priority, and vacancies will be filled from within whenever possible.

In selecting an employee for promotion, prime consideration will be given to job-related qualifications. If more than one of the applying employees are equally qualified, seniority will govern. Seniority consists of your length of continuous service with the City of Hot Springs since your last date of hire in a regular full-time position.

#### **4.5.2 Uniformed**

All promotional procedures will be in accordance with current Civil Service Rules and Regulations. No promotion is complete until six (6) months have elapsed from the effective date of the promotion. During that time, you may be reduced to your previous rank by the Chief with or without cause.

#### **4.6 LECTURES, MEETINGS AND TRAINING PROCEDURES**

You will be permitted to attend lectures, meetings, training programs and similar activities during regular working hours as approved by your supervisor or department head. Such attendance will be considered regular worked time.

If you attend lectures, meetings, training programs or similar activities outside normal working hours, such attendance will be considered regular worked time UNLESS the following three criteria are also met:

- attendance is in fact voluntary; AND
- the course, lecture or meeting is not directly related to your job; AND
- you do not perform any productive work during such attendance.

Attendance is not voluntary, of course, if it is required by the City. It is not voluntary, in fact, if you are given to understand or led to believe that your present working conditions or the continuance of your employment would be adversely affected by nonattendance.

The training is directly related to your job if it is designed to make you handle your job more effectively as distinguished from training for another job or for a new or additional skill. Where a training course is instituted for the bona fide purpose of preparing for advancement through upgrading to a higher skill and is not intended to make you more efficient in your present job, the training is not considered directly related to your job even though the course incidentally improves your skills in doing your regular work.

If you plan to voluntarily attend a meeting, lecture, training class or other similar activity outside your normal working hours, you should discuss the matter with your supervisor or department head prior to attendance. This will help ensure that there is a clear understanding regarding whether or not you will be paid for your attendance. If, on your own initiative, you attend an independent school, college or trade school after hours, the time is not hours worked for the City even if the courses are related to your job.

The Administrative Policy for Travel Procedures for City Employees and City Officials is available on the City's Intranet for employees to review before making any plans to attend a meeting, lecture, training class, other similar activity or travel outside Garland County.

## **4.7 PERFORMANCE EVALUATIONS**

### **4.7.1 Appraisal Reports**

You are entitled to an appraisal of your work performance by your supervisor. This report will be completed and discussed with you at least once each year and will become a part of your personnel file.

## **4.8 JOB DESCRIPTIONS**

### **4.8.1 Position Classifications**

There are many position classifications within the City service and, whether your particular job is at a desk or in the field, you are part of the family of employees of the City of Hot Springs. Your particular position is classified according to the duties and responsibilities assigned to you. Any other positions which are similar in the type of work, the level of difficulty and the amount of responsibility are placed in the same class. In this way, it is possible for all employees performing similar types of duties to receive equal pay for equal work.

A job description outlining the duties and responsibilities is prepared for each position and maintained by the Human Resources Department. Job descriptions will be revised when significant changes in the duties and/or responsibilities are made. Each employee is furnished with a copy of the current job description for his position.

From time to time, you may be temporarily required to assume duties and responsibilities of a lower or higher classification than your current assignment. Such temporary assignments will not affect your salary or any other benefits to which you may be entitled. The City views periods of temporary assumption of higher duties and responsibilities as excellent training opportunities to prepare employees for promotion. These opportunities also allow management to evaluate an employee's qualifications and abilities for promotional positions. If you **continuously** assume **all** the duties and responsibilities of a lower or higher classification for more than two months, your position may require reclassification. Any requests for reclassification should be discussed with your supervisor, department head and/or the City's Human Resources Director. No reclassification should be considered automatic.

In cases of extreme emergency or natural disaster, all City employees will be expected to perform such tasks as may be required, regardless of classification or normal work site.

#### 4.9 JOB RECLASSIFICATION PROCESS

Job reclassification occurs when an individual's job responsibilities have substantially changed. A Department Head can request a job reclassification review if he believes that the position has changed in depth, responsibility and/or accountability. The following steps outline the process:

1. Supervisor completes reclassification form and attaches a copy of the existing job description with appropriate adjustments/mark ups. The job reclassification form is in Chapter 10 of this handbook.
2. Supervisor submits to his Department Head for review and approval.
3. Once approved, the form and updated job description is submitted to the Director of Human Resources no later than August 31<sup>st</sup>.
4. Once received the Human Resources Director will review the reclassification request with comparable positions and look at possible internal equity issues. Interviews with the employee and the supervisor may occur, along with physical observation of the work being done. **Substantial job changes will need to exist for reclassification of the position to occur.**
5. Once the Human Resources Director gathers information and makes a preliminary recommendation, the Job Audit Committee will meet to review and to give additional input regarding the recommendation no later than September 22<sup>nd</sup>.
6. The Director of Human Resources will then present a final recommendation to the City Manager for review, approval and/or decline by September 29<sup>th</sup>.
7. The Director of Human Resources will then advise Department Heads of the outcome of the reclassification request in writing.
8. If the position is not recommended for reclassification, the process will be complete at this point.
9. If the position is recommended for reclassification, Human Resources will update the job description and make budgetary adjustment to be included in the next fiscal budget. The Supervisor will also include the budget adjustment increase when submitting annual salary recommendations.

# CHAPTER 5

## BENEFITS

### 5.1 VACATION LEAVE

#### 5.1.1 Police Department

Uniformed police employees will earn annual vacation leave according to the following schedule:

1 <sup>st</sup> Through 5 <sup>th</sup> Year	120 Hours
6 <sup>th</sup> Year and More	120 Hours plus 8 hours for each year of uninterrupted service in excess of ten years; not to exceed 200 hours total vacation in any one year

#### 5.1.2 Fire Department

Uniformed fire employees assigned eight-hour shifts will earn annual vacation leave according to the following schedule:

1 <sup>st</sup> Through 10 <sup>th</sup> Year	120 Hours
11 <sup>th</sup> Year and More	120 Hours plus 8 hours for each year of uninterrupted service in excess of ten years; not to exceed 160 hours total in any one year

Uniformed fire employees assigned 24-hour shifts will earn annual vacation leave according to the following schedule:

1 <sup>st</sup> Through 10 <sup>th</sup> Year	168 Hours (7 Shifts)
11 <sup>th</sup> Year and More	192 Hours (8 Shifts)

#### 5.1.3 Non-Uniformed Employees

Non-uniformed employees will earn annual vacation leave according to the following schedule:

1 <sup>st</sup> Through 4 <sup>th</sup> Year	80 Hours
5 <sup>th</sup> Year and More	120 Hours plus 8 hours for each year of uninterrupted service in excess of ten years; not to exceed 160 hours in any one year

Annual vacation leave will accrue on a biweekly basis beginning with your date of hire but will not be available for use until completion of ninety calendar days of service. Advance scheduling and approval by your supervisor or department head will be required for all annual leave. Seniority will generally

govern in any conflict over choice of vacation periods unless your department has a written procedure regarding choice of vacation periods. When circumstances prevent you from using all your accrued annual leave within each calendar year, you may carry over a maximum of hours into the next calendar year as follows:

Uniformed Police	200 Hours
Uniformed Fire/Eight-Hour Shift	160 Hours
Uniformed Fire/24-Hour Shift	288 Hours
Non-Uniformed Employees	160 Hours

Any unused vacation in excess of the above hours will be forfeited. You are required to use your annual leave whenever possible and should not carry over time on a routine basis. Department heads are charged with the responsibility of ensuring that employees use their annual leave within each calendar year.

After at least ninety calendar days of service, you are entitled to payment for unused annual leave at the time your employment with the City terminates. In the event of death, payment will be made to your designated beneficiary or, if no beneficiary has been designated, to your estate.

If you are in a no-pay status for as many as ten (10) working days, or the equivalent thereto, during any thirty-calendar-day period, you will not accrue any annual leave for that period. Temporary and part-time employees are not eligible for annual vacation leave.

**5.2 HOLIDAYS**

The City observes the following as paid holidays:

January 1 .....	New Year’s Day
3 <sup>rd</sup> Monday in January .....	MLK Day
Last Monday in May.....	Memorial Day
July 4 .....	Independence Day
1 <sup>st</sup> Monday in September .....	Labor Day
November 11 .....	Veterans’ Day
4 <sup>th</sup> Thursday in November .....	Thanksgiving Day
4 <sup>th</sup> Friday in November .....	Thanksgiving Holiday
December 24 .....	Christmas Eve
December 25 .....	Christmas Day

When a regularly scheduled holiday occurs on Saturday, it will be observed on the last preceding workday; when it occurs on Sunday, it will be observed on the first following workday.

To be eligible for holiday pay, you must be in a pay status your last scheduled workday before the holiday AND your first scheduled workday after the holiday.

If a holiday occurs while you are on vacation or sick leave, that day will be charged as a holiday and will not be charged against your accrued leave. If a holiday occurs on your regular day off, you will be given equivalent time off (as soon as practical) or, at the discretion of your department head, you may be paid an additional eight hours at your regular rate of pay.

You must work on holidays when required by the needs of the City (as determined by your department head). In addition to your regular pay for the holiday, you will also receive one-and-one-half times your regular rate of pay for each hour worked on a holiday.

Employees hired on a temporary or part-time basis are not eligible for holiday pay. The above provisions do not apply to police/fire radio dispatchers since they are regularly required to work on holidays and receive prorated holiday pay together with their base salary.

## **5.3 SICK LEAVE**

### **5.3.1 Non-Uniformed**

Regular full-time employees will be eligible for sick leave after the completion of 90 calendar days of employment. Sick leave will be accumulated at the rate of 4.62 hours per biweekly period beginning with your date of hire. Unused sick leave may be accumulated to a maximum of 480 hours. (See Extended Leave Bank policy regarding additional accrual.) If you are in a no-pay status for as many as ten working days, or the equivalent thereto, during any 30-calendar-day period, you will not accrue any sick leave for that period.

Paid sick leave may be used only when you cannot work because of personal illness or injury, require a personal dental, optical or medical examination or treatment or have received approval for FMLA leave as provided in section 5.7 hereto. All employees who take sick leave or FMLA leave shall notify their supervisor prior to the start of their work shift.

A certificate from your physician will be required anytime you are absent for three or more consecutive work days. This certificate must state that you were sick or injured, under the doctor's care and unable to work. City-provided forms **must** be utilized for this purpose and are available from your supervisor or in the Human Resources Office. Upon separation from employment, pay for accumulated sick leave (not to exceed 480 hours) will be paid only if you have **ten or more continuous years** of employment with the City of Hot Springs prior to leaving. This is the only circumstance under which payment is made for accumulated sick leave.

### 5.3.2 Uniformed

Regular full-time employees will be eligible for sick leave after the completion of 90 calendar days of employment. Sick leave will be accumulated at the rate of 6.1 hours per biweekly period to a maximum of 480 hours for all uniformed police personnel and uniformed fire personnel assigned a straight 40-hour shift. Uniformed fire personnel assigned a 24-hour shift will accumulate sick leave at the rate of 18.4 hours per biweekly period to a maximum of 1440 hours. (See Extended Leave Bank policy regarding additional accrual.) If you are in a no-pay status for as many as ten working days, or the equivalent thereto, during any 30-calendar-day period, you will not accrue any sick leave for that period.

Paid sick leave may be used only when you cannot work because of personal illness or injury, require a personal dental, optical or medical examination or treatment or have received approval for FMLA leave as provided in section 5.7 hereto. All employees who take sick leave or FMLA leave shall notify their supervisor prior to the start of their work shift.

A certificate from your physician will be required anytime you are absent for three or more consecutive works days. This certificate must state that you were sick or injured, under the doctor's care and unable to work. City-provided forms **must** be utilized for this purpose and are available from your supervisor or in the Human Resources Office. Upon separation from employment, pay for accumulated sick leave (not to exceed 480 hours) will be paid only if you have **ten or more continuous years** of employment with the City of Hot Springs prior to leaving. This is the only circumstance under which payment is made for accumulated sick leave.

### 5.3.3 Extended Sick Leave Bank

Once you have accrued 480 hours of sick leave, you will continue to accrue sick leave at the regular rate, but this additional accrual will be credited to an extended leave bank. You may accrue up to 480 hours in your extended leave bank and may use this time as follows:

- If you have an extended major illness or debilitating injury which required extensive hospitalization or rehabilitation and exhaust all your regular sick, vacation and discretionary leave, you may then (with the approval of your department head and the City Manager) utilize the hours accrued in your extended leave bank.
- You may choose to "donate" hours from your extended leave bank to another employee (**provided that such employee has not been placed on restrictive sick leave and has been employed by the City for at least one year**) when that employee has exhausted all of his leave benefits and requires additional time off due to qualifying personal illness or injury, and not that of a family member.

- In addition to approval from your department head and the City Manager, the department head of the employee receiving the donated leave must also approve the donation.
- In any case of denial, an explanation must be attached to the request form that explains the reason for denial.
- Any hours you donate will be deducted from your extended leave bank accrual.

You may receive donated sick leave in an amount equal to the total number of regular sick leave hours (5.3.1 or 5.3.2) you had accrued at the time of the qualifying event up to a maximum of 240 hours.

If you choose to use or donate hours from your extended leave bank, you must complete the appropriate request form (available in Chapter 10 of this Handbook, from your supervisor or in the Human Resources Department).

Under no circumstances, including separation of employment, will you receive pay or credit for any accrued hours in your extended leave bank. Upon separation of employment (for any reason), you will not be permitted to donate any of your extended leave to another employee.

#### **5.3.4 Restrictive Sick Leave**

If you abuse sick leave, it will result in being placed on restrictive sick leave for a minimum period of six months after written notification of such action from your department head. While on restrictive sick leave, you will be required to furnish a doctor's certificate for every unit of sick leave taken. City-provided forms must be used for this purpose, and a copy must be sent to the Human Resources Department before any sick pay will be authorized while you are on restrictive sick leave. Failure to furnish such a certificate will result in the time off being unpaid and/or termination. Continued/Repeated abuse of sick leave will result in termination.

"Abuse of Sick Leave" means any excessive use of sick leave or any established pattern of use of sick leave such as regularly taking sick leave immediately before or after a holiday or payday; use of sick leave at the same rate at which it accumulates; or any regular or excessive use of sick leave not verified by a doctor's certificate.

#### **5.4 FUNERAL OR BEREAVEMENT LEAVE**

Regular full-time employees who have completed 90 calendar days of employment with the City are allowed the following excused absences with pay for the purpose of attending the funeral or memorial service of an immediate family member.

In-State .....	3 working days (not to exceed 5 consecutive calendar days)
Out-of-State .....	5 working days (not to exceed 7 consecutive calendar days)

“Immediate Family” (for the purpose of funeral leave) includes spouse, children, mother, father, brother, sister, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandchildren, grandparents, spouse’s grandparents, step-grandparents, step-parents, step-children, step-sister and step-brother.

**5.5 MARRIAGE LEAVE**

The City will allow a regular full-time employee three days excused absence with pay for marriage, provided the leave is taken at the time of marriage and the individual returns to work with the City after the marriage. Marriage leave is available to employees who have completed 90 calendar days of employment with the City.

**5.6 MILITARY LEAVE**

If you are a member of the National Guard or any of the reserve branches of the Armed Forces, you will be granted 15 work days annually, plus necessary travel time, for annual training requirements. (Necessary travel time is not to be more than two additional days in any one calendar year.) This leave will be granted without loss of pay and in addition to regular vacation time. As soon as the dates of military training are known, you must notify your supervisor and request military leave. Any additional absences required for military training requirements that do not fall on your regular days off will be granted as leave without pay; however, you may request that the time be taken as vacation and/or discretionary leave (if available).

If you are called to duty in emergency situations by the Governor or by the President of the United States, you will be granted leave with pay not to exceed 30 working days. This leave will be granted in addition to regular vacation time.

If you are drafted, called to active duty in the Armed Forces of the United States, volunteer for military service or are called to duty in emergency situations that extend beyond 30 working days, you will be placed on extended military leave without pay. Upon application for reemployment after the effective date of your release from duty (under honorable conditions), you will be reinstated to the position vacated or an equivalent position at no loss of seniority or any of the other benefits and privileges of employment as prescribed by law. If the period of leave was for more than 30 days but less than 181 days, the application must be submitted no later than 14 days after completion of service. If the period of service was for more than 180 days, the application must be submitted no later

than 90 days after the completion of service. If you fail to submit an application for reemployment within the appropriate time or if you remain on active duty longer than four years, unless the period beyond four years (up to an additional year) is at the request of and for the convenience of the Federal Government, you will forfeit your reemployment rights. If you are reemployed under these provisions, you will be entitled to seniority and benefits as follows:

- Seniority will be applied as if you had remained continuously employed.
- Accrued Vacation and/or Discretionary Leave may be substituted for unpaid leave at your request. The request must be provided at the beginning of the leave. No additional vacation or discretionary hours will accrue during an unpaid leave. Any accrued vacation and/or discretionary hours not substituted for unpaid leave will be reinstated at the time of reemployment.
- Accrued Sick Leave cannot be substituted for unpaid military leave. No additional sick hours will accrue during an unpaid leave. The total hours of accrued sick leave at the time unpaid leave begins will be reinstated at the time of reemployment.

Insurance Coverage will continue under normal procedures until the end of the month in which the 30-day paid leave expires. If the leave extends beyond the 30 days, you may request continuation coverage for the lesser of 18 months from the beginning date of absence OR the day after the date on which you fail to apply for or return to your position. During this period you will be responsible for paying both the City's and your portions of the insurance coverage. Any terminated insurance coverage will be reinstated immediately upon reemployment.

- Pension/Retirement Benefits will be maintained as if you had not incurred a break in service. Upon reemployment, the City will fund any obligation to the appropriate pension/retirement plan and allocate the amount of the City's contribution for you in the same manner and to the same extent the allocation occurs for other employees during the period of military service. Accrued benefits that are contingent on employee contributions will be provided only if you make payment to the pension/retirement plan with respect to such contributions.
- Salary at the time of reemployment will be based on the level you would have attained if you had been continuously employed, except that no merit pay will be available until your next anniversary date after reemployment.

- Longevity, Certificate and Incentive Pay that would have been paid during any period of unpaid military leave will be issued to the employee at the time of reemployment.
- Uniform Allowance payments will resume at the time of reemployment.

It is the City's intent to fully comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, as amended (38 U.S.C. 4301-4333). In cases of any conflicts or issues not addressed by the foregoing policy, the provisions of USERRA will be the final determining factor in resolving such conflicts/issues.

### **5.7 FAMILY MEDICAL LEAVE**

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the City will grant eligible employees up to 12 weeks of family and medical leave during any 12-month period. The City utilizes a "rolling" 12-month period to determine availability of FMLA leave. Under this method, each time you take FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. Holidays falling within a week taken as FMLA leave will have no affect on the amount of leave taken; the week will be counted as a week of FMLA leave. Any holiday falling during a period of FMLA paid leave will not be charged to your accrued sick leave.

You may choose to use FMLA leave concurrently or consecutively with regular sick (5.3.1 or 5.3.2), vacation (5.1) or discretionary leave (5.9). However, FMLA leave will be credited concurrently with any use of extended sick leave or donated sick leave (5.3.3), if any.

To qualify for FMLA leave, you must have been employed by the City of Hot Springs for at least one year AND must have been at work at least 1250 hours during the 12 month period immediately preceding the commencement of the leave. FMLA leave will be granted to eligible employees:

- for the birth of a son or daughter and to care for the newborn child (Circumstances may require that FMLA leave begin before the actual date of birth of a child. An expectant mother may take FMLA leave before the birth of a child for prenatal care or if her condition makes her unable to work.);
- for placement with the employee of a son or daughter for adoption or foster care (FMLA leave can begin before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.);

- to care for the employee's spouse, son, daughter or parent with a serious health condition (The son or daughter must be either under age 18 or age 18 or older AND incapable of self-care because of a mental or physical disability); and
- because of a serious health condition that makes the employee unable to perform the functions of his job.

“Serious Health Condition” includes any illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

In addition to continuous leave, FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary. If taking intermittent or reduced leave, you may be temporarily transferred to an available alternative position for which you are qualified and which better accommodates recurring periods of leave than does your regular position.

If you take FMLA leave for an eligible family member, you will be granted a maximum of ten working days (not to exceed two calendar weeks) in each 12-month period as paid sick leave, provided you have accrued leave available (sick, vacation, or discretionary). Your accrued leave will be charged accordingly. Additional absences for eligible family members during any 12-month period will be unpaid; i.e., you can be paid for no more than ten days of FMLA leave during any rolling 12-month period unless the absence is for personal illness or injury. In accordance with established City policy, any time you are in a no-pay status for as many as ten working days during any thirty calendar day period, you will not accrue any vacation or sick leave during the no-pay period.

During any FMLA leave, the City will maintain your group health insurance coverage on the same conditions as coverage would have been provided if you had been working. The City will continue to pay the full premium for medical, dental, life and AD&D insurance on you only; you will continue to be responsible for payment of any premium for dependent coverage. This will be accomplished through regular payroll deductions as long as you are on paid leave. While on unpaid leave, you will be required to pay the full premium for any dependent coverage to the Finance Department no later than the 20<sup>th</sup> of each month during which unpaid leave continues. If the payment is more than 30 days late, your dependent coverage will be terminated. If you choose not to return to work (for reasons other than a continued serious health condition), you will be required to reimburse the City the amount paid for your insurance premium during the leave period.

If you take leave under the FMLA, you will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The

position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority.

You must provide the City with at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. This notice must be in writing on the forms provided (Appendix F or contact the Human Resources Department). If you fail to give a 30-day notice for foreseeable leave with no reasonable excuse for the delay, leave may be denied until at least 30 days after the date you provide notice. When the need for FMLA leave is not foreseeable, notice should be given as soon as practical. When possible, a written notice should be provided; however, verbal requests will be acceptable for unforeseeable leave.

If you request FMLA leave due to a serious health condition of an eligible family member or yourself, you may be required to furnish certification from the appropriate health care provider. Such certification must be provided within 15 calendar days after the request and must be on the form provided by the City (available in the Human Resources Department). If the City has reason to doubt the validity of a medical certification, you may be required to obtain a second opinion from a health care provider designated by the City; all expenses for the second opinion will be paid by the City. If the two opinions differ, the City may require a third opinion at the City's expense. The third health care provider will be selected jointly by you and the City; his opinion will be final and binding. Failure to provide any required medical certification may result in denial of FMLA leave.

If both you and your spouse work for the City, the aggregate total of allowable leave is twelve (12) weeks in a twelve (12) month period. Normally, the twelve (12) weeks may not be taken intermittently. However, with the approval of your Department head, FMLA leave may be taken on a reduced schedule, i.e., shortened workdays or workweeks when the nature of the qualifying event requires your intermit absence from work. Leave for childbirth, adoption or foster care must be taken within a year after the date of birth or placement of the child.

Questions and requests for additional information relative to the FMLA should be directed to the Human Resources Department.

## **5.8 COURT APPEARANCES**

If you are subpoenaed as a witness in a court proceeding that is not related to your job with the City and are required to appear during your regular work time, you will be paid your regular salary LESS any compensation received from the court; the time will not be charged against your accrued leave. It will be your responsibility to furnish the Human Resources Department with verification of the subpoena and compensation received from the court.

Time spent in court on job-related issues will be treated as regular worked hours.

If you pursue your own personal legal matters or voluntarily participate in a court proceeding during regular work time, you will be required to use accrued discretionary or vacation leave.

If you are selected to serve as a juror, you are entitled to full compensation in addition to any fees paid for such service, and such service will not be charged against your accrued leave.

## **5.9 DISCRETIONARY LEAVE**

Discretionary leave will be available only after completion of ninety calendar days of employment with the City and may be used for any purpose. Advance approval of your department head or supervisor is required. Any discretionary leave not taken within the year earned will be forfeited. If you leave the City's employ, you will be entitled to payment for any unused discretionary time.

### **5.9.1 PART-TIME EMPLOYEES**

All regular part-time employees are entitled to 8 hours discretionary leave, with pay, each calendar year, except that discretionary time for the first calendar year for newly hired regular part-time employees will be 8 hours if hired from January 1 thru April 30 and 4 hours if hired May 1 thru August 31. Employees hired after August 31 will not be entitled to any discretionary leave during that year.

Employees Hired 01/01 thru 04/30 - - - 8 Hours  
Employees Hired 05/01 thru 08/31 - - - 4 Hours  
Employees Hired 09/01 thru 12/31 - - - 0 Hours

### **5.9.2 NON-UNIFORMED**

All regular full-time employees are entitled to 24 hours discretionary leave, with pay, each calendar year, except that discretionary time for the first calendar year for newly hired employees will be computed as follows:

Employees Hired 01/01 thru 04/30 - - - 16 Hours  
Employees Hired 05/01 thru 08/31 - - - 8 Hours  
Employees Hired 09/01 thru 12/31 - - - 0 Hours

### **5.9.3 UNIFORMED**

After completion of 90 calendar days of employment, all regular full-time police officers and uniformed fire employees assigned a straight 40-hour shift are entitled to sixteen hours discretionary leave, with pay, each calendar year, except that discretionary time for the first calendar year of employment will be computed as follows:

Employees Hired 01/01 thru 04/30 - - - 16 Hours  
Employees Hired 05/01 thru 08/31 - - - 8 Hours

Employees Hired 09/01 thru 12/31 - - - 0 Hours

All uniformed fire personnel assigned a 24-hour shift are entitled to one 24-hour discretionary day, with pay, each calendar year after completion of one year's service.

## **5.10 MISCELLANEOUS LEAVE**

### **5.10.1 LEAVE WITHOUT PAY**

Leave without pay will be granted only under extraordinary circumstances and when it will not adversely affect the operations of the department or for approved absences under the Family and Medical Leave Act or for absences due to an on-the-job injury when such absences extend beyond accrued vacation, sick and discretionary leave. All leaves without pay must be approved by both the department head and the City Manager and cannot exceed 60 working days. If you cannot or do not return to work at the end of an authorized leave of absence, you may be terminated.

## **5.11 CREDIT UNION**

You have the option of participating with various financial institutions to become a member of the Credit Union. Detailed information and application forms are available in the Human Resources Department.

## **5.12 DEFERRED COMPENSATION**

The employees may participate in a deferred compensation plan making it possible to defer income and the payment of taxes on those deferred amounts until a later date. The money is placed in a tax-deferred investment of your choice to earn tax-deferred interest until you are ready to receive distributions, usually at retirement. Additional information is available in the Human Resources Department.

## **5.13 OCCUPATIONAL INJURIES**

### **5.13.1 WORKERS' COMPENSATION**

All on-the-job injuries requiring medical attention must be processed through St. Joseph's Business Health or St. Joseph's Mercy Health Center E.R.. If the injury is life or limb threatening, you should be taken to St. Joseph's Mercy Health Center E.R.. For all other injuries, contact St. Joseph's Business Health (525-9675) and let them know you are coming in for treatment or, if after normal clinic hours, contact St. Joseph's Mercy Health Center E.R. (622-1000). St. Joseph's Business Health is located at 154 Cornerstone Lane (behind Lowe's Home Center); their normal business hours are 8:00 A.M. to 8:00 P.M., Monday through Friday; 9:00 A.M. to 6:00 P.M. on Saturday; and 12:00 P.M. to 5:00 P.M. on Sunday. If you are treated at St. Joseph's Mercy Health Center, you should call Human Resources with 24 hours (or the next business day) to advise them of the injury/treatment and to arrange for any follow-up care.

Absence due to an on-the-job injury requiring either inpatient care or continuing treatment by a health care provider will be treated as FMLA under the Family and Medical Leave Act. Notwithstanding section 5.7, your use of accrued leave during such absence will be charged concurrently with FMLA leave based on your worker's compensation payment election. You must elect a payment method regarding the application of your accrued leave while absence from work and receiving worker's compensation benefits.

#### **5.14 INSURANCE**

The City maintains group insurance (medical, dental, life and AD&D) for the benefit of employees. Various voluntary supplemental insurance benefits are also available for employee selection. Details on all insurance benefits are available in the Human Resources Department. Premiums for dependent medical insurance, dental insurance, life and AD&D insurance and supplemental products are payroll deducted the month prior to the effective date of coverage. Non-payment of dependent or supplemental premiums will result in cancellation of coverage.

## **CHAPTER 6 STANDARDS OF CONDUCT**

### **6.1 PUBLIC RELATIONS**

You have the very important responsibility of meeting the people of Hot Springs and providing services for them. The impression made in your contacts forms public opinion as to the effectiveness of city government and personnel, as well as the general efficiency with which our departments are operated.

Of course, not everyone met in the course of your duties will be courteous; however, you should treat the public as you would like to be treated - with respect, courtesy, patience and understanding. This "attitude" or approach to public service cannot be overemphasized. People often judge our entire organization by a few within the organization, so we must make our own job, as well as those of our coworkers, easier by giving a favorable impression at all times.

When you are not certain of the correct answer to any question, you should obtain such information before answering or refer the questioner to the individual or department who can give a correct answer. It is better to admit lack of knowledge than to give a wrong answer. All employees are encouraged to review and adhere to the Code of Citizen Service which is included in this Handbook.

### **6.2 GROOMING, DRESS AND PERSONAL APPEARANCE**

The personal appearance of City of Hot Springs employees is important since the impression that employees make on the public influences their image of the City. Employees are expected to maintain a neat, well-groomed appearance at all times and to present themselves in a professional manner. Many of our employees in the field departments are required to wear uniforms. You are expected to use good judgment in your appearance, keeping in mind the nature of your work. Neatness and cleanliness, whether in uniform or regular clothes, are expected of all employees.

#### **General Guidelines:**

- Two earrings are permitted per ear. Employees working near machinery should ensure that jewelry will not pose a risk to their safety or the safety of coworkers.
- Pierced parts of the body, other than ears, may not be used to display jewelry in the workplace.
- Tattoos are to be covered as much as possible especially in office settings as determined by the department head. Any tattoos/brands anywhere on the body that are obscene, advocate sexual, racial,

ethnic, or religious discrimination, prejudicial or of a nature that tends to discredit the City of Hot Springs in any way is deemed to be inappropriate and will not be exposed, or visible in the workplace at any time.

- All employees will keep their persons clean and sanitary by practicing good hygiene and wearing clean pressed clothing that is free from unpleasant odors.

All non-uniformed employees are issued an official photo identification badge upon employment with the City of Hot Springs. It is at each Department Head's discretion whether the photo identification badges must be worn while on duty. Employees will be required to wear the photo identification badge for some City activities such as training or City functions.

### **6.3 ABSENTEEISM AND TARDINESS**

#### **6.3.1 ABSENCE FROM WORK**

Employees are expected to be at their worksite and ready to work on time and to work the number of hours scheduled. Unnecessary absences or tardiness result in hardships on other employees and will not be tolerated. Employees who are absent or tardy without authorization shall not be paid for lost time; they shall be carried as unauthorized absent (UA). Recurring UA will lead to disciplinary actions, up to and including termination of employment. You are expected to give your supervisor proper notice if you are not able to report to work or will be tardy.

*“Proper Notice” is considered by the City to be notice in advance of the time you should report for work and no later than one hour thereafter if advance notice is impossible. This notice is required each and every regularly scheduled workday that you are tardy or absent, unless a less frequent requirement has been expressly outlined by your supervisor; e.g., extended illness, hospitalization, etc.*

#### **6.3.2 INCLEMENT WEATHER**

In exceptional cases, such as weather causing hazardous conditions, you are required to contact your supervisor for instructions regarding assignments for that day if there is a possibility that you may not be able to carry out normal assignments; however, if your department is open for business, you are expected to report for work. If conditions are too hazardous and make it impossible for you to get to work, you will have the option of taking the time off as discretionary or vacation time, if available. If you are not eligible for discretionary or vacation time, the time will be off without pay. In any event, you are expected to give your supervisor proper notice if you are not able to report for work.

## **6.4 POLITICAL ACTIVITY**

As a City employee, you will not be prohibited from engaging in political activities **except** when on duty, when in uniform or when acting in an official capacity; nor will you be denied the right to refrain from engaging in political activities. You are cautioned, however, that opinions expressed can only be personal opinions, and you **cannot** represent yourself as speaking for or expressing an opinion of any other employee or of any City department.

## **6.5 OUTSIDE EMPLOYMENT**

If an employee is considering additional employment, he should discuss the additional employment with his department head or supervisor for approval. If, as an employee of the City, an employee participates in additional employment, it must not interfere with the proper and effective performance of his job with the City. An employee's outside employment must not be of a nature that adversely affects the image of the City, or of a type that may be construed by the public to be an official act of the City or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Department Head.

## **6.6 SMOKE-FREE WORKPLACE**

The City shares the concerns of the U.S. Surgeon General and various health organizations that tobacco smoke is a health risk for both smokers and nonsmokers. Accordingly, smoking or any other use of tobacco products whatsoever is strictly prohibited in all municipal buildings.

Ordinance 4-7-10 Smoking in municipal buildings

### 4-7-10.1 Definitions

(a) Municipal buildings shall mean all buildings owned or leased by the City of Hot Springs. Municipal buildings shall also include city-owned facilities leased from the city by any person, firm or corporation.

(b) Smoking means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind or any other use of tobacco products whatsoever.

### 4-7-10.2 Regulation of smoking in all municipal buildings

Smoking is hereby strictly prohibited in all municipal buildings as defined in 4-7-10.1. The city manager or his agents or such other person having authority with respect to a particular municipal building shall post or have posted "No Smoking" signs in conspicuous locations throughout all municipal buildings. Such signs shall use either the phrase "No Smoking" or the international no smoking symbol or both. (Ord. No. 4388, §§ 1, 2, 5-2-94)

### 4-7-10.3 Penalty

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction, be such fines and penalties as

established by the general clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4944, § 6, 1-22-01)

### **6.7 SUBSTANCE ABUSE POLICY STATEMENT (Non-Transit Employees)**

It is the policy of the City of Hot Springs to provide a work environment free from the effects of the illegal use of drugs and the misuse of alcohol. The City is dedicated to ensuring that our employees are both physically and mentally prepared at all times to assume the duties and responsibilities of their respective jobs and to provide efficient services to the citizens they are employed to serve. Our employees are our most valuable resource, and it is the City's goal to provide a healthy and satisfying work environment which promotes personal opportunities for growth.

In an effort to ensure the integrity of city government and to preserve public trust and confidence in our organization, the City maintains an active drug and alcohol testing program to detect and deter the use of drugs and alcohol by its employees.

The City's Substance Abuse Policy in its entirety is located in Chapter 7 of this Handbook.

### **6.8 CARE OF CITY PROPERTY**

As a City employee, your job requires the use of materials, supplies and usually some type of equipment, all of which are public property. You must, therefore, be conscientious about using these materials wisely and in keeping the equipment in good condition. Carelessness can result in disciplinary action, and records containing this action will become a part of your personnel file. You can help keep costs down by treating City property as you would your own.

### **6.9 ELECTRONIC COMMUNICATIONS EQUIPMENT RESOURCES AND SYSTEMS**

#### **6.9.1 TECHNOLOGY AS A PRIVILEGE**

The City of Hot Springs provides employees with access to and use of a variety of electronic resources. These resources are provided to employees in an effort to allow them to be more efficient, productive and to have access to information and equipment that is necessary for them to carry out their responsibilities as an employee. Employees are expected and required to use these resources in a manner consistent with their position and work responsibilities.

#### **6.9.2 PRIVACY OF INFORMATION**

All electronic media communications systems and all communications and information transmitted, received by or stored in these systems are the property of the City of Hot Springs. Employees should be advised that management reserves the right to monitor electronic equipment or systems

usage at any time. Additionally, employees are reminded that communication records are subject to the Arkansas Freedom of Information (FOI) Act.

### **6.9.3 RESOURCES AND SYSTEMS**

Electronic Communications Equipment Resources and Systems include, but are not limited to: computer (including e-mail), electronic (including paging), and telephone communications (including voice mail and radio) systems; televisions, computers, facsimile machines and copying machines; and any other equipment or systems used for the transmission, reception or storing of information. This policy applies whether an employee accesses the City's equipment or systems in the workplace or from outside the workplace regardless of the time of day used.

### **6.9.4 ACCEPTABLE USES**

Limited, occasional or incidental use of electronic media for personal, non-business purposes is understandable and acceptable. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege. Departments will be responsible for issuing their own policies regarding employee personal cell phone usage while working.

Employees must receive approval from their department head before broadcasting an e-mail to City-wide distribution. The message must be related to City business. Employees must receive approval from their department head before enrolling in classes conducted via the Internet during working hours.

Employees should exercise proper e-mail maintenance and storage to avoid exceeding the mailbox storage maximum. This will ensure that employees continue to receive e-mail notifications and limit the space utilized on the City's e-mail server. Employees should exercise proper attention in the opening/sending/forwarding of attachments and executable files to limit exposure to computer viruses. Employees should exercise extreme caution when opening any e-mail or announcement that is not prefaced by CHS.

### **6.9.5 PROHIBITED USES**

Equipment and resources shall not be used for any of the following purposes:

- Knowingly transmitting, retrieving or storage of any communications of a discriminatory or harassing nature, including, but not limited to, sexually explicit images, messages or cartoons, or any transmission that contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, age, disability or religion;
- Distribution of communications of a defamatory or threatening nature or containing profanity i.e., irreverent in language; taking the name of

God in vain; given to swearing; blasphemous; as, a profane person, word, oath, or tongue;

- Conducting business involving outside employment or any activity for personal gain, such as buying or selling of commodities or services with a profit motive;
- Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other employees to access and use the system e.g., viewing/playing games, radio music, sound files, clips, movies, or videos over the Internet;
- Any form of gambling;
- Transmitting material, information, software, or installing software, in violation of any local, state or federal law, including but not limited to copyright laws;
- Conducting any non-City related fund raising or public relations activities or participating in political activities;
- Sending or forwarding chain letters, virus hoaxes, etc.;
- Excessive visiting or participating in chat rooms;
- Spending an inordinate amount of time, on the web surfing, or on personal phone calls;
- Any other purpose which is illegal, against City policy or contrary to the City's interest, including but not limited to phishing or hacking;
- Connecting non-approved computers, PDAs, cell phones, or devices and installing unapproved software, to any of the City's systems, including but not limited to the City's network. Once the device is approved by Information Systems, strict protocol must be followed in the connection of the device since failure to do so could expose the system to viruses;
- Loading of City owned software on personal computer equipment

#### **6.10 VEHICLES, USE OF CITY**

If you are assigned the use of City automobiles, trucks or equipment, you are expected to drive them with due care, observing all laws and rules of the road. All assigned vehicles/equipment must be maintained in a clean and sanitary condition at all times by the operator of such vehicles/equipment. Any vehicle

operating problems must be reported to your supervisor or department head for immediate corrective action. The City stresses preventive maintenance, and every operator of City vehicles/equipment is expected to cooperate by adhering to the maintenance schedule and reporting vehicle deficiencies without delay.

Only City employees with the appropriate type of valid Arkansas driver's license may operate a City-owned or City-leased vehicle. Employees may operate City vehicles during normal working hours or shift assignments based upon authorization of their department head for City-related use only. It is the department head's duty to ascertain that an operator assigned to drive a vehicle, even if on a temporary basis, holds a valid driver's license and is in sound condition to operate the vehicle. The employee is required to have his driver's license in his possession at all times while operating a City vehicle. Employees operating City vehicles are not to drive such vehicles outside the Garland County area unless prior authorization is received from their department head.

If you are assigned a City-owned or City-leased vehicle on a regular basis, you have the responsibility of seeing that it is adequately serviced (gas, oil, filters, lubrication, tire pressure and replacement, maintenance for safety, etc.). Items of a repair and replacement nature should normally be carried out by the City's Fleet Service Center; however, in cases where your assigned vehicle cannot be repaired or serviced in a timely manner by Fleet Services due to that department's priorities, you must report the need for repairs or maintenance to your department head who will make arrangements for alternative maintenance or repair service.

If you are on call or are expected to act on behalf of the City during other than normal working hours or shift assignments, you may be assigned the use of a City-owned or City-leased vehicle for "take-home" purposes. To be eligible to use a City-owned or City-leased vehicle for "take-home" purposes, an employee must live within Garland County and within ten miles of the city limits. (City vehicles may not be taken home unless an assignment form has been completed and approved by the City Manager.) City-owned or City-leased vehicles taken home may be used only by the employee for City-related business. Members of the employee's family, neighbors or others are not to either drive or be transported in the vehicle unless such actions are related to City work or result from a life-threatening emergency or serious health problem. When an employee assigned the use of a vehicle for take-home purposes knows in advance that he will be unable to work or be on call for a period of more than two (2) consecutive days (illness, vacation, travel, etc.), the employee should arrange for the City vehicle to be returned to his department during such absence.

Nothing in this policy is intended to prohibit any authorized employee from using a City vehicle as transportation for purposes directly related to the performance of City duties during work assignments or on a call out. Employees are not prohibited from being in a City vehicle while taking reasonable breaks for lunch,

coffee, etc. during working hours or in route to work or on a call; however, in no instance should an employee purchase alcoholic beverages or patronize taverns, clubs or other drinking establishments while using a City-owned or City-leased vehicle.

Some supervisory-level employees may be given permission to transport members of their family, other City officials or their families and others for out-of-town travel to functions related to the municipal service such as special hearings, training programs, conventions, seminars, etc. This policy does not prohibit transporting non-City employees such as vendors, consultants, inspectors, official guests, citizens, other government officials, prisoners, persons involved in police investigations or other activities, etc. as a part of routine work assignments or public safety activities.

Failure to comply with the provisions of this policy will result in appropriate disciplinary action.

The City of Hot Springs has a written Fleet Safety Program which sets forth policies and procedures for driver selection and training, accident reporting and vehicle inspection and maintenance. It also delegates responsibility for administration and coordination of the program and establishes an Accident Review Committee to be appointed by the City Manager to review accidents and determine their causes and corrections. The City's *Fleet Safety Program* and the *Accident Review Point System* are included in Chapter 9 of this Handbook.

### **6.11 SEATBELTS**

All employees of the City of Hot Springs must wear properly adjusted and fastened seat belts at all times while operating a City-owned (or leased or borrowed) vehicle. All employees must wear properly adjusted and fastened seat belts while operating private vehicles during working hours. Employees are further encouraged to “abide by the law” and utilize seat belts when operating any vehicle during non-working hours. These requirements also apply to any passenger occupying the front passenger seat of a vehicle. It is recognized that the use of seat belts may sometimes be inconvenient; however, there will be **NO EXCEPTIONS** to this policy, and all employees are expected to comply to the letter of the law. Noncompliance will result in appropriate disciplinary action.

### **6.12 DISCIPLINE**

Discipline is an important and necessary tool that may be used in situations where other attempts have failed to resolve problems. The City views discipline primarily as a constructive procedure to maintain established standards of performance and conduct. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in this Handbook, or any other City policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

- **WARNING OR REPRIMAND.** A warning or reprimand is action used to alert the employee that his performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
- **SUSPENSION.** Suspension involves the removal of an employee from his job. An employee may be suspended with or without pay.
- **DEMOTION.** A demotion is an action that places the employee in a position of less responsibility and less pay.
- **TERMINATION.** This type of disciplinary action is a removal of an employee from City employment.

### **6.13 GRIEVANCES**

If you have any complaint, you have the right to appeal to your immediate supervisor, to your department head and to the City Manager. In presenting complaints, you must go through the normal chain of command from lowest to highest.

The Human Resources Director of the City may, at your request, act as an intermediary on your behalf. This is the only exception allowed to the use of the normal chain of command for these procedures and is to be used only when the sensitivity of the situation involved merits this unusual approach.

If an employee is demoted, suspended without pay or terminated and desires to formally appeal the action, he must, within five (5) working days after the notice of demotion, suspension or termination, submit a written request to the Human Resources Director for the convening of a Complaint Review Board. Upon receipt of this request, the Human Resources Director will assemble, as quickly as practical, a board to be convened at a time and date convenient to all parties. The employee must make himself available for an appeal hearing within 30 calendar days of the demotion, suspension or termination or he will be deemed to have waived his privilege to a hearing. The Complaint Review Board will be made up of three (3) members as follows:

- One member is to be a current employee of the City of Hot Springs selected by the employee requesting the convening of the board. Department and division heads may not serve as the aggrieved party's selection.

- Another member is to be selected by the Human Resources Director. This member must be a current employee of the City and, as close as is practical, serve in a capacity similar to that of the aggrieved party. If possible, this selection should be from a different department and a volunteer.
- The third member will preside over the review procedure and will be a department or division head (not from the aggrieved party's department) whose name will be chosen from an alphabetical listing on a rotation basis. These department and division heads may not serve as the aggrieved party's selection.

The decision of this review board will be presented in a sealed envelope to the City Manager for his consideration. It will be in the form of a recommendation only with the final decision to be made by the City Manager. The decision of the City Manager (or of anyone acting in the capacity of City Manager) regarding appeals or interpretations of personnel policies will be final. (This authority has been vested in the City Manager by the Hot Springs Board of Directors.)

#### **6.14 BOARD OF INTERNAL AFFAIRS**

The Police and Fire Departments will each have a Board of Internal Affairs composed of five members appointed by their respective chiefs. The Board will investigate matters referred to them by the Chief. They will conduct an investigation into the matter to determine the facts and will make recommendations to the Chief regarding any disciplinary measures. The Chief is not required to accept the recommendation and may increase or reduce any recommended disciplinary action.

# CHAPTER 7

## SUBSTANCE ABUSE POLICY

### 7.1 SUBSTANCE ABUSE POLICY STATEMENT

It is the policy of the City of Hot Springs to provide a work environment free from the effects of the illegal use of drugs and the misuse of alcohol. The City is dedicated to ensuring that our employees are both physically and mentally prepared at all times to assume the duties and responsibilities of their respective jobs and to provide efficient services to the citizens they are employed to serve. Our employees are our most valuable resource, and it is the City's goal to provide a healthy and satisfying work environment which promotes personal opportunities for growth.

In an effort to ensure the integrity of City government and to preserve public trust and confidence in our organization, the City maintains an active drug and alcohol testing program to detect and deter the use of drugs and alcohol by its employees.

### 7.2 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs. The City's policy will comply with all applicable federal regulations governing workplace anti-drug and alcohol programs as outlined below.

The Federal Motor Carrier Safety Administration (FMCSA) has published 49 CFR part 382 which mandates urine drug testing and breath alcohol testing for all employees operating a commercial motor vehicle subject to the commercial driver's license requirements and prohibits performance of safety-sensitive functions when there is a positive test result.

The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal Government published 48 CFR Part 29 (The Drug-Free Workplace Act of 1988) which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses.

*The City of Hot Springs Board of Directors, for the sake of convenience and fairness, has further adopted these regulations and procedures to apply to other positions not under the authority of DOT or its agencies; any such requirements and/or disciplinary actions established under the City's authority are indicated by the use of a bold script font.*

### 7.3 APPLICABILITY

This policy applies to *all* non-transit employees who:

- hold a Commercial Driver's License (CDL) including, but not limited to, regular full-time drivers, casual, intermittent and occasional drivers;
- *operate City vehicles/equipment not requiring a CDL when such operation is one of their primary job functions;*
- *dispatch or maintain any City vehicles/equipment when such dispatch or maintenance is one of their primary job functions;*
- *perform functions having a direct affect on public health and/or safety including, but not limited to, employees of the Airport, Water Production and Wastewater Treatment facilities; and*
- *any other employees that the City determines to be performing safety-sensitive functions.*

#### **7.4 PROHIBITED SUBSTANCES**

Illegally Used Controlled Substances or Drugs - This includes any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

Alcohol - This includes the use of beverages containing alcohol or any other substances (including any medication, mouthwash, food or candy) such that alcohol is present in the body while performing job duties. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by a breath testing device.

#### **7.5 LEGAL DRUGS**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited; however, the use of any substance which carries a warning label indicating that mental functions, motor skills or judgment may be adversely affected must be discussed by employees with their appropriate health care professional before performing work-related duties. Educational information regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees are strongly urged to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect their ability to safely perform their job functions.

Any employee taking medications or drugs which may interfere with the safe and effective performance of duties or operation of vehicles and equipment must so

notify his supervisor before beginning work. The employee may be temporarily reassigned to other duties when appropriate. *Failure to provide such notice can result in disciplinary action, up to and including termination of employment.* In the event of a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician will be required.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs, he must provide, within 24 hours, a valid prescription. A valid prescription includes the patient's name, the name of the substance, quantity/amount to be taken and the time period of the authorization. The misuse or abuse of legal drugs is prohibited during working hours, on breaks, during meal periods, when in uniform, while on City premises or at work sites in an official capacity as a representative of the City or while operating *any* City vehicle or equipment.

## **7.6 PROHIBITED CONDUCT**

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances at all times. Employees are not to report for duty or remain on duty when they have used any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. *Employees who violate these provisions will be subject to disciplinary action, up to and including termination.* Law enforcement will be notified, as appropriate, when criminal activity is suspected.

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance or not fit for duty will be suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test will be removed from duty and referred to a Substance Abuse Professional (SAP). Failure to obtain a SAP evaluation and/or to follow the SAP's recommended treatment *will be cause for disciplinary action, up to and including termination of employment.* A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

No employee will be allowed to report for duty or remain on duty when his ability to perform assigned duties is adversely affected by alcohol or when his breath alcohol concentration is 0.04 or greater. No employee may use alcohol within four hours of reporting for duty, while on duty or during any hours they are on call. *Violation of these provisions will be cause for disciplinary action, up to and including termination of employment.*

If an alcohol confirmation test result is 0.02 or greater, but less than 0.04, the employee will not be permitted to return to work until the start of his next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Any employee who refuses to comply with a request for testing will be removed from duty, will be considered as having a positive test and will be referred to a Substance Abuse Professional for evaluation. Failure to obtain a SAP evaluation and/or failure to follow the SAP's recommended treatment plan *will result in disciplinary action, up to and including termination*. Any employee who is suspected of providing false information in connection with a test or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection. Verification of these actions *will result in disciplinary action, up to and including termination*. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

#### **7.7 EMPLOYEE ADMISSION OF ALCOHOL AND/OR DRUG USE**

An employee who makes a voluntary admission of alcohol misuse or controlled substances use will not be subject to disciplinary action provided:

- the employee does not self-identify in order to avoid testing under the requirements of applicable regulations and/or this policy;
- the employee makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting for duty);
- the employee does not perform a safety-sensitive function until he has been evaluated and has successfully completed education and/or treatment and return-to-duty testing requirements as outlined herein; and
- the admission is made to a supervisor or the City's Designated Employer Representative (DER).

When an employee makes a voluntary admission (under the conditions outlined above) of alcohol misuse or controlled substances use, he will immediately be suspended from performing safety-sensitive functions and will be allowed sufficient opportunity to seek evaluation, education and/or treatment to establish control over his drug or alcohol problem. He will be permitted to return to safety-sensitive duties only upon successful completion of an educational and/or treatment program as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor) AND has undergone a return-to-duty breath alcohol test with a result of less than 0.02 and/or a return-to-duty drug test with a

verified negative result. Follow-up testing will be required with a minimum of six drug and/or alcohol tests within the next 12 months after returning to duty. If the evaluation expert recommends more frequent follow-up testing, his recommendation will be followed.

**7.8 TESTING PROCEDURES**

Urine drug testing and breath testing for alcohol will be conducted when circumstances warrant or as required by federal regulations *and City policy*. *All* employees will be subject to drug testing prior to employment and to drug and/or alcohol testing for reasonable suspicion. In addition, *all* safety-sensitive employees will be subject to random and post-accident drug and/or alcohol testing. All employees with a positive drug or alcohol test (*first offense*) will be required to undergo return-to-duty testing prior to returning to safety-sensitive duties; follow-up testing will be conducted for a period of one to five years based on the SAP’s recommendation, with at least six tests performed during the first year.

All testing will be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended.

The drugs that will be tested for (and their respective cutoff levels) include:

<u>Substance (Drug)</u>	<u>Cutoff Initial Test</u>	<u>Cutoff Confirmation</u>
• Marijuana	50 ng/ml	15 ng/ml
• Cocaine	300 ng/ml	150 ng/ml
• Opiates	2000 ng/ml	-----
Morphine	-----	2000 ng/ml
Codeine	-----	2000 ng/ml
• Amphetamines	1000 ng/ml	-----
Amphetamine	-----	500 ng/ml
Methamphetamine	-----	500 ng/ml
• Phencyclidine	25 ng/ml	25 ng/ml

An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive

if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

All drug testing laboratory results will only be released to and reviewed by a qualified Medical Review Officer (MRO) in order to verify and validate test results. The MRO will release findings only to the Designated Employer Representative (DER). The MRO will be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result. Before verifying that an employee has a positive test result, the MRO is responsible for contacting the employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. An MRO staff person may make the contact; the MRO's medically licensed or certified staff person may gather information. If, after reasonable efforts, the MRO is unable to reach the employee directly, the MRO may contact the DER for assistance in contacting the employee. The DER will take maximum precautions to preserve the confidentiality of the MRO contact.

If, after making all diligent and reasonable efforts, neither the MRO nor the DER is able to contact the employee within 14 days of the date the MRO received the confirmed positive test result from the laboratory, the MRO may verify the test result as positive. The MRO may also verify the test result as positive if the employee does not contact the MRO within five days of being contacted by the DER or if the employee expressly declines the opportunity to discuss the test result. The MRO may reopen the verification of a positive test if the employee presents documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period and, if the employee then presents a legitimate (in the MRO's opinion) explanation for the positive test, the MRO will declare the test to be negative. The MRO will review and interpret an individual's medical history, including any medical records and biomedical information provided, affording the individual an opportunity to discuss the test result, and decide whether there is a legitimate medical explanation for the result, including legally prescribed medication.

The MRO can declare a test invalid or canceled based on the regulations specified in 49 CFR Part 40, as amended. A canceled/invalid test is considered neither a positive nor a negative test. An example of a canceled test is a urine sample being rejected by the laboratory. The MRO will cancel the test and report the cancellation and the reason(s) for it to the appropriate agency, employer and employee.

Any drug test with a "positive dilute" result will be treated as a verified positive test. Any drug test that is reported as "negative dilute" will require the employee or applicant for employment to be retested immediately upon receipt of the result. If an employee is directed to take another test and declines, that employee has

refused the test and will be required to follow the same procedures as outlined for positive drug test results. The result of the second test will become the test of record. A second negative dilute result will be treated as a negative test, and no further retesting will be required.

Tests for breath alcohol concentration will be conducted utilizing an Evidential Breath Testing device (EBT) that has been approved by the National Highway Traffic Safety Administration (NHTSA) and operated by a trained Breath Alcohol Technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to the DER.

If the initial breath test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his position for at least 24 hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and/or of the requirements set forth in 49 CFR Part 382.

Any employee who has a confirmed positive drug or alcohol test (*first offense*) will be suspended from work and referred to a Substance Abuse Professional (SAP). *Any employee who has a second confirmed positive drug or alcohol test will be terminated.*

All drug testing will be accomplished by urine test utilizing the split sample method and chain-of-custody control. Any employee who questions a positive drug test result may request that an additional test be conducted. This test must be conducted at a different DHHS-certified laboratory than performed the initial test. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employee unless the result of the split sample test invalidates the result of the original test. This cost will be deducted from the employee's paycheck. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests made after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

## **7.9 REQUIRED TESTING**

**PRE-EMPLOYMENT** drug tests will be conducted on *each* applicant selected for hire into any regular full-time or regular part-time position. Applicants selected for hire into temporary/seasonal positions will be drug tested if they are required to have a CDL *or will be performing safety-sensitive functions*. A job offer may be made prior to the test only if it includes the condition that the applicant tests negative. No applicant will be hired prior to the City's receipt of a verified

negative test result. Any applicant who tests positive will not be eligible for hire for a period of at least six months. At any time after the end of the six-month period, the applicant, if again selected for hire, must:

- show proof of successfully completing a substance abuse treatment program and
- complete a new drug test with a negative result.

Pre-Employment (Pre-Transfer) drug tests will be conducted on each employee selected for transfer from a non-safety-sensitive position to a safety-sensitive position. No employee will be transferred to a safety-sensitive position prior to the City's receipt of a verified negative test result.

After obtaining written consent from an applicant with a CDL (including employees transferring from a non-CDL position to one requiring a CDL), the City will request the following information from DOT-regulated employers who have employed that individual for any period during the two years before the date of application or transfer:

- Alcohol tests with a result of 0.04 or higher alcohol concentration
- Verified positive drug test results
- Refusals to be tested
- Other violations of DOT agency drug and alcohol testing regulations
- Documentation of successful completion of DOT return-to-duty requirements (including follow-up testing) for any applicant or employee who violated a DOT drug and/or alcohol regulation

**REASONABLE SUSPICION** drug and/or alcohol tests will be conducted when a determination is made that reasonable suspicion exists to require the employee to undergo testing. This determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The determination must be made by a supervisor or City official who is trained in detecting the signs and symptoms of drug and alcohol use. The supervisor must complete and sign a written record of the observations leading to a reasonable suspicion; this record must be completed within 24 hours of the observed behavior or before the results of the alcohol or drug test are released, whichever is earlier. Reasonable suspicion tests will be coordinated with the Human

Resources Director whenever possible. All employees are subject to reasonable suspicion testing.

Reasonable suspicion alcohol testing is authorized only if the observations described above are made during, just preceding or just after performance of safety-sensitive duties. An employee may be directed to undergo reasonable suspicion alcohol testing while he is performing safety-sensitive functions, just before he is to perform safety-sensitive functions or just after he has ceased performing such functions.

Notwithstanding the absence of a reasonable suspicion alcohol test, no employee is permitted to report for duty or remain on duty while he is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor will the City permit the employee to perform his duties until:

- an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; **OR**
- twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the provisions of this policy concerning the use of alcohol.

If a reasonable suspicion alcohol test is not administered within two hours following the determination, the employee's supervisor or department head must prepare a record stating the reason(s) the test was not promptly administered. If the test is not administered within eight hours following the determination, all attempts to administer an alcohol test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. Any records prepared in accordance with this section must be submitted to and retained by the Human Resources Director.

**POST-ACCIDENT** drug and alcohol testing will be conducted on employees performing safety-sensitive functions after any accident involving the loss of human life. For non-fatal accidents, employees will be tested if they receive a citation for a moving traffic violation arising from the accident (within eight hours of the accident for alcohol testing and within 32 hours of the accident for drug testing) AND

- the accident involves bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident OR
- one or more vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An employee who is subject to post-accident testing must remain readily available for such testing or he may be deemed to have refused to submit to testing. This is not intended to delay any necessary medical attention for injured people or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. If it is necessary for an employee to leave the scene of an accident prior to testing, the employee must keep his supervisor informed of his location.

An employee subject to post-accident alcohol testing must not use alcohol for eight hours following the accident or until he undergoes a post-accident alcohol test, whichever occurs first.

If a required post-accident alcohol test is not administered within two hours following the accident, the employee's supervisor or department head must prepare a record stating the reason(s) the test was not promptly administered. If the test is not administered within eight hours following the accident, all attempts to administer an alcohol test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. If a required post-accident drug test is not administered within 32 hours following the accident, all attempts to administer a drug test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. Any records prepared in accordance with this section must be submitted to and retained by the Human Resources Director.

***RANDOM*** drug and alcohol testing will be performed on an unannounced basis and will be spread reasonably throughout the calendar year. The selection of employees for random alcohol and controlled substances testing will be made by a scientifically valid method so that each employee subject to random testing will have an equal chance of being tested each time selections are made. Once notified of selection for random testing, an employee must proceed to the collection site immediately. Employees subject to random testing are as follows:

***DOT*** - all non-transit employees who operate City vehicles and equipment requiring a Commercial Driver's License (CDL); employees in this category are tested under the authority of and in compliance with DOT regulations as specified in 49 CFR Part 40 and FMCSA regulations as specified in 49 CFR Part 382

***POLICE*** - *all uniformed and communications employees of the Hot Springs Police Department; all employees in this category are tested under the authority of the City of Hot Springs Board of Directors*

***FIRE** - all uniformed and communications employees of the Hot Springs Fire Department; all employees in this category are tested under the authority of the City of Hot Springs Board of Directors*

***OTHER** - all employees whose primary job functions include the operation of City vehicles and/or equipment not requiring a CDL, all employees whose primary job functions include the dispatch or maintenance of any City vehicles and/or equipment (except police/fire dispatchers) and any other employees which the City may determine to be performing safety-sensitive functions including, but not limited to, employees of the airport, water production and wastewater treatment facilities; all employees in this category are tested under the authority of the City of Hot Springs Board of Directors*

**RETURN-TO-DUTY** and **FOLLOW-UP** drug and/or alcohol testing will be conducted when any safety-sensitive employee returns to safety-sensitive duties after a violation of the prohibited alcohol and/or drug conduct, refuses to submit to an alcohol and/or drug test or has a verified positive alcohol and/or drug test result (*first offense*). In order to return to work, the employee must have:

- been evaluated by a Substance Abuse Professional (SAP) and followed any recommendation(s) for action by the SAP, including participation in any rehabilitation program AND
- taken a return-to-duty alcohol test with results indicating an alcohol concentration of less than 0.02 and/or a drug test with a verified negative result. If a test is canceled, the employee must take another return-to-duty drug and/or alcohol test.

Follow-up tests will be unannounced and conducted at least six times within the first twelve months after the employee returns to duty. Any additional follow-up testing will be as recommended by the SAP. Follow-up tests will be in addition to any random tests and may be extended for up to five years following return to duty.

#### **7.10 CONSEQUENCES OF A POSITIVE TEST**

**Alcohol** - If the confirmation test result is 0.02 or greater, but less than 0.04, the employee will not be permitted to return to work until the start of his next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If the confirmation test result is 0.04 or greater (*first offense*), the employee will immediately be suspended from performing safety-sensitive functions pending evaluation by a Substance Abuse Professional (SAP), completion of any recommended education, treatment, etc. and a return-to-duty alcohol test with a

result of less than 0.02. Upon return to duty, the employee will then be subject to unannounced follow-up alcohol tests (no less than six within the following 12 months).

*If the confirmation test result is 0.04 or greater and represents the second positive test (drugs and/or alcohol) for the employee, he will be terminated.*

**Controlled Substances (Drugs)** - If the result of the primary specimen analysis is positive, the Medical Review Officer (MRO) will notify the employee of the positive result and the employee may, within 72 hours of such notification, request that the split sample be tested in a different DHHS laboratory for the presence of the substance(s) that showed a positive result. **A SECOND TEST WILL NOT BE CONDUCTED UNLESS THE EMPLOYEE REQUESTS IT WITHIN 72 HOURS OF NOTIFICATION BY THE MRO OF THE POSITIVE RESULT UNLESS THE DELAY IS DUE TO DOCUMENTABLE FACTS THAT ARE BEYOND THE CONTROL OF THE EMPLOYEE.**

Once a verified positive test result has been received from the MRO, the employee will immediately be suspended from performing safety-sensitive functions until 72 hours have elapsed or, if the employee has requested a split sample test, until the split sample test results are received. If the split sample test result is negative, the employee will return to work and be paid for any period of suspension; the City will pay the cost of the split sample test. If the split sample test is not requested or if it reconfirms the positive result (*first offense*), the employee will be further suspended from performing safety-sensitive functions until he has been evaluated by a Substance Abuse Professional (SAP), completed any recommended education, treatment, etc. and had a negative return-to-duty drug test. Upon return to duty, the employee will then be subject to unannounced follow-up drug testing (no less than six tests within the following 12 months).

*If the employee does not request a split sample test or if the split sample test reconfirms the positive result and this represents the second positive test (drug and/or alcohol) for the employee, he will be terminated effective his last day worked.*

*General - An employee will be permitted to use any accrued sick, vacation and/or discretionary leave during the time of evaluation and treatment, provided the evaluation and any recommended treatment are processed in a timely manner. By the next business day after notification from the Human Resources Director, an employee must contact a Substance Abuse Professional and set up the earliest possible appointment for evaluation. Any required treatment must begin as soon as possible. Any delays in facilitating this process will result in the time off being unpaid or the employee may be terminated. Unless otherwise recommended by the SAP, the return-to-duty test must be completed no later than the next business day following notification*

*from the SAP that the employee has completed any recommended education, treatment, etc. If an employee has no accrued leave or exhausts his accrued leave prior to return to duty, a leave of absence without pay may be granted in accordance with City policy.*

***If an employee has a verified positive test result for drugs and/or a confirmed alcohol concentration of 0.04 or greater a second time, he will be terminated. This applies to any combination of alcohol and/or drug test results.***

### **7.11 RECORDS**

Drug and alcohol testing results will be maintained under strict confidentiality by the Human Resources Director, Medical Review Officer (MRO) and testing laboratory. The Human Resources Director will maintain all records required by 49 CFR Part 40, 49 CFR Part 382 and this policy. All requests for information must be referred to the Human Resources Director who is the point of contact for all correspondence and reports from the MRO, testing laboratories and Substance Abuse Professional.

### **7.12 TRAINING**

All employees will receive a copy of and be educated in all provisions of this policy through classes and other methods as appropriate. Employees will also receive a booklet describing alcohol and each drug to be tested for and outlining the signs and symptoms of use and the health, social and workplace issues associated with each. Substance abuse training, including discussion of this policy, will be included in each new employee orientation class. All department heads and supervisors will receive additional training relative to the detection of signs and symptoms of drug and alcohol use.

### **7.13 DESIGNATED EMPLOYER REPRESENTATIVE**

The Designated Employer Representative (DER) for the City of Hot Springs is the Human Resources Director. As the DER, he is authorized to:

- receive communications and test results from service agents;
- take immediate actions to remove employees from safety-sensitive duties; and
- make required decisions in the testing and evaluation processes.

The Human Resources Director will be responsible for administration of this policy, including the maintenance of records, preparation of reports, coordination of drug and alcohol testing procedures and required training. He will be the

contact person for any questions regarding the administration of this policy and for issuing any rulings regarding the interpretation of this policy.

In the Human Resources Director's absence, the City's Human Resources Generalist will serve as the Designated Employer Representative.

#### **7.14 TERMS AND DEFINITIONS**

***Adulterated Specimen*** - a specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

***Alcohol*** - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol

***Alcohol Concentration/Content*** - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test

***Alcohol Use*** - the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol

***Breath Alcohol Technician (BAT)*** - a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device

***Canceled Test*** - a drug or alcohol test that has a problem identified that cannot be or has not been corrected or which is otherwise required to be canceled by governing regulations; it is neither a positive nor a negative test and includes a specimen rejected for testing by a laboratory

***Chain-of-Custody*** - a procedure used to document the handling of the urine specimen from the time the employee or applicant gives the specimen to the collector until the specimen is destroyed

***Confirmation Test (Alcohol)*** - a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration

***Confirmation/Confirmatory Drug Test*** - a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite

***Confirmation/Confirmatory Validity Test*** - a second test performed on a urine specimen to further support a validity test result

**Confirmed Drug Test** - a confirmation test result received by an MRO from a laboratory

**Covered Employee** - a person, including a volunteer, applicant or transferee who performs a safety-sensitive function

**Dilute Specimen** - a specimen with creatinine and specific gravity values that are lower than expected for human urine

**Disabling Damage** - damage which precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs; includes damage to motor vehicles that could have been driven but would have been further damaged if so driven; excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage and damage to turn signals, horn or windshield wipers which makes them inoperative

**DOT Agency** - an agency (or operating administration) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing

**Evidential Breath Testing (EBT) Device** - a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations

**Licensed Medical Practitioner** - a person who is licensed, certified and/or registered, in accordance with applicable federal, state, local or foreign laws and regulations, to prescribe controlled substances and other drugs

**Medical Review Officer (MRO)** - a licensed physician responsible for receiving and reviewing laboratory results generated by a drug testing program and evaluating medical explanations for certain drug test results

**On Call** - when an employee has specifically been placed on call for a designated period of time; any use of drugs or alcohol while specifically on call is strictly prohibited

**On Duty** - includes all time from the time an employee begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work

**Performing a Safety-Sensitive Function** - any period in which an employee is actually performing, ready to perform or immediately available to perform any safety-sensitive function

**Refusal to Submit** (to an alcohol or controlled substances test) - when an employee:

- fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations and this policy, after being directed to do so by the City;
- fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the pre-employment testing process begins is not deemed to have refused to test;
- fails to provide a urine specimen for any required drug test; provided, that an applicant who does not provide a urine specimen because he has left the testing site before the pre-employment testing process begins is not deemed to have refused to test;
- fails to permit the observation or monitoring of his provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- fails to provide a sufficient amount of urine when directed and when it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- fails to or declines to take a second test which the City or collector has directed him to take;
- fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process or as directed by the DER (In the case of a pre-employment drug test, the applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.);
- fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process); or
- is reported by the MRO as having a verified adulterated or substituted test result.

**Safety-Sensitive Function** - includes all time a driver of City vehicles/equipment is at a City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; all time inspecting, servicing or conditioning *any* City vehicle/equipment; all time spent at

the driving controls of *any* City vehicle/equipment; all time, other than driving time, in or upon *any* City vehicle/equipment; all time loading or unloading *any* City vehicle/equipment, supervising or assisting in the loading or unloading, attending *any* vehicle/equipment being loaded or unloaded, remaining in readiness to operate the vehicle/equipment or in giving or receiving receipts for shipments loaded or unloaded; and all time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle/equipment; *any function which directly affects public health and safety (e.g., performance and dispatch of law enforcement and firefighting functions, operation and maintenance of water or wastewater treatment facilities and communication and contact with aircraft); and any other function which the City may determine to be safety sensitive*

**Screening/Initial Test (Alcohol)** - an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen

**Screening/Initial Test (Drugs)** - a test to eliminate negative urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs

**Split Specimen/Sample** - a part of the urine specimen that is sent to a first laboratory and retained unopened and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result

**Subject to Call** - when an employee is generally subject to call but not specifically "on call"; if called in to work while subject to call, an employee must inform his supervisor if he has been using drugs and/or alcohol which might impair his job performance; no disciplinary action will be taken against an employee in this situation; however, if the employee fails to inform his supervisor of any such impairment and reports to work under the influence of drugs and/or alcohol, he will be subject to disciplinary action, up to and including termination of employment.

**Substituted Specimen** - a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine

**Verified Test** - a drug test result or validity testing result from an DHHS-certified laboratory that has undergone review and final determination by the MRO

**7.15 CONTACTS**

***Designated Employer Rep (DER):***

Minnie Lenox, HR Director  
133 Convention Boulevard  
Hot Springs, AR 71901  
501.321.6840 (Phone)  
501.321.6769 (Fax)  
mlenox@cityhs.net

***Collection Site:***

St. Joseph's Business Health  
Tanya Tedder, Client Manager  
154 Cornerstone Lane  
Hot Springs, AR 71913  
501.525.9675

***Medical Review Officer (MRO):***

Dr. Stuart B. Hoffman  
National Medical Review Offices, Inc.  
5900 Wilshire Boulevard  
Los Angeles, CA 90036  
800.733.6676 (Toll-Free)

***Testing Laboratory:***

Quest Diagnostics  
506 East State Parkway  
Schaumburg, IL 60173  
800.877.7484 (Toll-Free)

***Third Party Administrator (TPA):***

ChoicePoint Services, Inc.  
830 Chestnut, #105  
Conway, AR 72032  
501.329.6975

***Substance Abuse Professional (SAP):***

Phillip Kellar  
Quapaw House  
812 Mountain Pine Road  
Hot Springs, AR 71913  
501.767.4456

**7.16 POLICY APPROVAL AND EFFECTIVE DATE**

This policy was approved by Resolution No. 4958; adopted by the City of Hot Springs Board of Directors on July 15, 2002; and is effective on and after July 15, 2002; updated **Section XV** by Resolution No. 5529 on May 17, 2004 and updated Chapter 7.15 by Resolution No. 6612 on June 18, 2007 by the City of Hot Springs Board of Directors. All previous editions are hereby superceded.

## **CHAPTER 8 EMPLOYEE PROGRAMS**

### **8.1 EMPLOYEE SUGGESTION PROGRAM**

The City maintains an employee suggestion program in an effort to solicit ideas and suggestions from employees relative to improving City operations. The program is designed to stimulate each employee to examine the manner in which services are provided and offer specific suggestions to improve the quality of effectiveness of City services or to reduce costs. Cash awards may be presented to employees who offer suggestions that are selected for such recognition. The form for submitting suggestions is included in Chapter 10.

The Employee Suggestion Awards Program (ESAP) will provide cash awards on a quarterly basis to employees who offer their innovative ideas and suggestions that either (1) improve a specific area of City services or (2) provide cost savings to a particular City department. Chapter 10 of this Handbook includes forms to be utilized for submitting suggestions in these two areas. Please use the form that is appropriate for the specific suggestion.

Suggestions will be accepted throughout the year from all full-time City of Hot Springs employees, excluding department heads. Suggestions will not be considered if they offer service improvements or cost savings ideas that are part of an employee's normal job. For example, if employees are responsible for designing new software for use in their department, they would not be able to submit a suggestion for a new, more effective software program.

All suggestions should be submitted on one of the two forms depending on the type of suggestion that is offered. A committee appointed by the City Manager will review the suggestions and determine whether they have merit and can be implemented. If so, the committee will also make a recommendation on a cash award for the employee ranging from \$25 to \$300. The suggestions will be considered once a quarter.

The ESAP is intended to continue the City's efforts at improving City services and reducing costs to our taxpayers. The goal is to offer a simple, easy to understand program for employees to offer creative ideas. Oftentimes, employees in the workplace have great ideas that they feel reluctant to offer. Hopefully, this incentive will provide the encouragement to get involved in helping us do our jobs better.

*(Approved by Resolution No. 4849; Adopted on March 18, 2002)*

### **8.2 ACHIEVEMENT AWARD PROGRAM**

The City provides a program to recognize outstanding achievements of employees in the performance of their duties. Available awards under this program are letter of commendation, certificate of achievement, engraved plaque and cash.

**PURPOSE:** The purpose of this program is to recognize outstanding achievements of City employees in the performance of their duties. This program is intended to recognize employees who achieve excellence in their response to a particular situation. It is NOT intended to recognize overall performance nor is it intended in any way to be associated with the City's merit pay system.

**ELIGIBILITY:** All regular, full-time employees are eligible except for department and division heads.

**PROCEDURE:** A request for an employee achievement award is to be made at the time a situation occurs which, in the opinion of the department head, entitles the employee to such an award. All requests are to be submitted in writing to the Human Resources Director and must include the employee's name and position; the specific circumstances and employee action that justify the award; and the type of award being recommended.

The types of awards available are:

- Official Letter of Commendation
- Certificate of Achievement
- Engraved Plaque
- Cash (not to exceed \$100)

Awards can consist of more than one of the listed types; i.e., an employee could receive both a letter of commendation and a cash award.

All requests will be reviewed by the City Manager and Human Resources Director to determine applicability to the program and justification for the type of award being recommended. Denials or adjustments to a request will be submitted to the department head in writing. Approved awards will be placed on the agenda for presentation by the City Board of Directors.

*(Approved by Resolution No. 2750; Adopted on November 23, 1992)*

### **8.3 EDUCATIONAL ASSISTANCE PROGRAM**

The City provides a program for assisting employees in pursuit of educational opportunities for the purpose of enhancing their performance on their present job or preparing for possible promotion to higher level positions. All regular full-time, non-uniformed employees who have completed at least one year of service with the City are eligible to participate in this program.

The educational assistance program consists of tuition reimbursement for approved job-related courses or courses of study taken through an accredited educational institution. Certain grade and employment restrictions apply, and proper application procedures must be followed. The application form is included in Chapter 10.

**PURPOSE:** The purpose of this program is to provide assistance to eligible non-uniformed employees in pursuit of educational opportunities for the purpose of enhancing their performance on their present job or preparing for possible promotion to higher level positions to which they may reasonably aspire.

**ELIGIBILITY/BENEFIT:** All regular full-time non-uniformed employees of the City of Hot Springs who have completed at least one year of service with the City are eligible to participate in the educational assistance program.

If an employee completes a course with a grade of A or B, then 100 percent of the tuition cost will be reimbursed. If an employee completes a course with a grade of C, then 50 percent of the tuition cost will be reimbursed. If an employee does not complete a course or completes a course with a grade less than C, no reimbursement will be made by the City.

An employee terminating (for any reason) within one year following course completion will be required to reimburse the City for 100 percent of tuition expenses. An employee terminating less than two years but more than one year following course completion will be required to reimburse the City for 50 percent of tuition expenses.

In any case where less than 100 percent of the tuition cost is eligible for reimbursement by the City, or repayment is otherwise due, appropriate deductions will be made from the employee's paycheck to cover any required repayment.

**POLICY:** Tuition reimbursement will be made only for prior approved job-related courses or courses of study taken through an accredited educational institution and will include distance learning/on-line courses provided they are through an accredited educational institution. Courses or degree programs will be approved only if they will assist the employee in improving performance on their present job or in preparation for possible promotion to a higher level position to which they may reasonably aspire.

Only courses taken for credit will be eligible for reimbursement; i.e., audited course work is not eligible for reimbursement. In the case of distance learning/on-line courses, tuition reimbursement will be at a rate not to exceed that charged for on-campus tuition at the closest university, Henderson State. No reimbursement will be made for books, supplies, classroom equipment or any

other incidental items; payment for these items will be the responsibility of the employee.

All preparation and attendance of classes must be outside the employee's regular working hours unless specific, prior written approval is granted by both the department head and the City Manager. In cases where such approval is granted, any regular working hours utilized for preparation and/or attendance of classes will be charged to the employee's accrued vacation, discretionary and/or compensatory leave. If no leave is available, the employee will be placed in a no-pay status for any working hours utilized for preparation and/or attendance of classes.

Employees may use City computers (outside regular working hours) for distance learning/on-line courses. Prior approval from the employee's department head is required.

Program funding must come from departmental budgets, and department heads are responsible to ensure that funds are budgeted or transferred to the correct account. Program benefits are, therefore, limited to available funding within each department.

**PROCEDURE:** Employee must complete the proper application form prior to course enrollment and submit to his department head. If the department head denies the request, he will notify the employee accordingly; no further action is required. If approved, the department head will sign the application form as indicated and forward to the City Manager.

If the City Manager denies the request, he will indicate this on the application form and return the form to the department head who will notify the employee of the denial; no further action is required. If the City Manager approves the request, he will indicate this on the application form and submit the form to the Human Resources Department (HR); HR will notify the employee of the approval. The employee may then proceed to enroll in the course(s) approved for reimbursement.

At the time of enrollment, the employee will pay the tuition and furnish HR with a receipt. HR will complete a requisition charged to the appropriate department and submit it to Finance together with a copy of the application and receipt for tuition expense. Finance will issue a check to the employee for reimbursement of the tuition expense.

Within thirty days after course completion, the employee must furnish HR with a certified transcript (or other official document showing course completion and grade). HR will process any required payroll deductions as previously outlined.

#### **8.4 EDUCATIONAL PAY INCENTIVE PROGRAM (Police and Fire)**

*(An Ordinance revising the Educational Pay Incentive Program for members of the Hot Springs Police and Fire Departments and repealing Ordinance No. 3773 and Ordinance No. 3774)*

All uniformed police and fire employees who have completed their one-year probationary period are eligible to participate in the educational incentive program.

**THAT, WHEREAS,** the police and fire departments have had an educational pay incentive program in place since 1985; and that

**WHEREAS,** due to changes in departmental operations and education programs, it is beneficial to revise said incentive program to reflect these changes.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Hot Springs, Arkansas:

**SECTION 1.** That all civil service members of the Hot Springs Police and Fire Departments will be eligible to participate in the educational incentive pay program once they have completed their one-year probationary period and earned a degree as specified hereinafter.

**SECTION 2.** In cases of any degree combination, the employee will be entitled to payment for the one degree that provides him with the highest benefit.

**SECTION 3.** That payments will be effective the beginning of the month following that month in which the degree is earned. In the case of a probationary employee who has earned a degree either prior to employment with the City or during the probationary period, payment will be effective the beginning of the month following that month in which the employee completes his probationary period. Educational incentive pay will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for incentive pay will be listed separately from regular wages and specifically designated as incentive pay. Payments will be based on the following monthly amounts:

Associate's Degree	\$135.00 Per Month
Bachelor's Degree	\$200.00 Per Month
Master's Degree	\$250.00 Per Month

**SECTION 4.** That it will be the responsibility of the individual employee to furnish the Human Resources Director with written documentation of his degree as soon as it is received. No incentive payments will be made until this has been accomplished, and no back pay will be provided if an employee fails to provide such documentation in a timely manner. To qualify for incentive pay, the degree must be granted by a college or university which has been accredited by an

accrediting agency recognized by the U.S. Department of Education. Acceptable documentation will include a copy of the diploma/degree, a certified copy of the transcript indicating the degree earned or written notification signed by an official of the college or university.

**SECTION 5.** That the provisions of this Ordinance will be in full force and effect beginning July 1, 1999.

**SECTION 6.** That Ordinance No. 3773 and Ordinance No. 3774 are hereby repealed; provided, however, that any member of the Police or Fire Department who is receiving payment for college hours as of June 30, 1999 will continue to receive such payment until his degree is earned or until he fails to meet the attendance/grade requirements as previously established, whichever occurs first.

**SECTION 7.** That it is the intention of the Board of Directors, and it is hereby ordained that the provisions of this Ordinance will be made a part of the Code of Ordinances of the City of Hot Springs, Arkansas, and the sections may be renumbered or relettered, if necessary, to accomplish this intention.

*(Ordinance No. 4799; adopted June 7, 1999)*

## **8.5 CERTIFICATE PAY PROGRAMS**

### **8.5.1 Police**

*An Ordinance establishing a revised Certificate Pay Program for the Hot Springs Police Department*

**WHEREAS**, Ordinance No. 4789 created a certificate pay program for the Hot Springs Police Department; and that

**WHEREAS**, due to the implementation of new payroll software, it is necessary to revise the method by which certificate pay is issued.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Hot Springs, Arkansas:

**SECTION 1.** That officers of the Hot Springs Police Department are hereby entitled to receive compensation from the Public Safety Fund based on their certificate level as certified by the State of Arkansas Executive Commission on Law Enforcement Standards and Training. Said compensation will be in addition to any other compensation and will begin the month following receipt of the certificate.

**SECTION 2.** That, effective July 1, 1999, certificate pay will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount

for certificate pay will be listed separately from regular wages and specifically designated as certificate pay.

**SECTION 3.** That certificate payments will be as follows:

Basic Certificate	.....	\$ 50 Per Month
Intermediate Certificate	.....	\$100 Per Month
Advanced Certificate	.....	\$150 Per Month
Senior Certificate	.....	\$200 Per Month

In no case, regardless of the combination of certificates a particular officer may earn, will the total monthly compensation exceed the amount designated for the highest certificate earned.

**SECTION 4.** That Ordinance No. 4789 of 1999 is hereby repealed.

**SECTION 5.** That this ordinance will be codified in the Code of Ordinances and the sections renumbered or relettered to accomplish such intention.

*(Ordinance No. 4789; Adopted on June 7, 1999)*

### **8.5.2 Fire**

#### *Certificate Pay policies and procedures for Hot Springs Fire Department*

Effective January 1, 1999, all firefighters with one year or more of service will be eligible for certification pay as follows:

- ***Emergency Medical Technician (EMT) Certification*** - Each firefighter who has earned at least the Basic EMT Certification will be entitled to payment in the amount of Fifty Dollars (\$50.00) per month.
- ***Hazardous Materials First Responder (Haz-Mat) Certification*** - Each firefighter who has earned at least the Level 3 Haz-Mat Certification will be entitled to payment in the amount of Fifty Dollars (\$50.00) per month.
- Firefighters earning both the EMT and Haz-Mat Certifications as described above will be entitled to payment in the amount of One Hundred Dollars (\$100.00) per month.

Payments will be effective the first of the month following the month in which the certification was earned and, effective July 1, 1999, will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for certificate pay will be listed separately from regular wages and specifically designated as certificate pay. All certification payments will be subject to appropriate tax withholdings.

As soon as one of the above certifications is earned or renewed, a copy of the certification must be submitted to the Human Resources Department. For original certification, payments will not begin until proof has been provided. Once a certification expires, payments will be discontinued immediately if proof of renewal has not been provided. It is the employee's responsibility to provide certification copies to the Human Resources Department. Failure to do so on a timely basis will result in nonpayment for the period of delay; i.e., no back pay will be issued.

Terminating employees will receive a prorated certification payment for their final month based on the number of days from the first of the month to the last day worked.

Note: Certification Pay is subject to availability of funds and Board of Directors annual approval (as part of the normal budget approval process).

*(Approved by Resolution No. 4198; adopted on June 7, 1999)*

## **8.6 LONGEVITY PAY**

*An Ordinance establishing a revised Longevity Pay Program for City employees and for other purposes.*

**THAT, WHEREAS,** a longevity pay system for City employees has been in existence since January 1, 1973 as revised by Ordinance 3546 of 1979 (repealed) and Ordinance 4522 of 1996; and that

**WHEREAS,** due to the implementation of new payroll software, it is necessary to revise the method by which longevity pay is issued.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Hot Springs, Arkansas:

**SECTION 1.** That all regular, full-time City employees are entitled to longevity pay at the rate of Two Dollars and Fifty Cents (\$2.50) per month for each year of continuous service (after and not including their first twelve months of service) with the City of Hot Springs, Arkansas. Longevity payments are computed in this manner to a maximum of Nine Hundred Dollars (\$900.00).

**SECTION 2.** That, effective July 1, 1999, longevity will accrue and be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount paid for longevity will be listed separately from regular wages and specifically designated as longevity pay.

**SECTION 3.** That any employee who does not elect to receive their longevity on a biweekly basis may choose one of the following options: a) Christmas Club Account or b) Share (Savings) Account. Both of these options are available through the City's designated credit union, and the employee will specify the type of account and the amount to be deposited. The specified amount will be deducted from the employee's paycheck and remitted by the City to the credit union for deposit into the employee's account. The employee will then be able to withdraw his funds as he desires in accordance with the policies of the credit union.

**SECTION 4.** That, on or about June 30, 1999, all employees who are entitled to longevity pay in 1999 will be issued a check for one-half (½) of their total 1999 longevity payment. This will ensure that longevity for all employees is current as of June 30, 1999 so that accrual and payment as described in Section 2 hereof can be implemented on July 1, 1999. Employees may designate that this payment be applied to the payroll deduction program as outlined in Section 3 hereof.

**SECTION 5.** That ordinance No. 4522 of 1996 is hereby repealed.

**SECTION 6.** That it is the intention of the Board of Directors, and it is hereby ordained that Sections 1, 2 and 3 of this Ordinance will be made a part of the Code of Ordinances of the City of Hot Springs, Arkansas; and the sections may be renumbered or relettered, if necessary, to accomplish this intention.

*(Ordinance No. 4803; Adopted on June 21, 1999)*

### **8.7 UNIFORM ALLOWANCE POLICY (Police and Fire)**

**GENERAL PROVISIONS:** The amount of uniform allowance for uniformed Fire Department employees will be \$1,000 annually. The amount of uniform allowance for uniformed Police Department employees will be \$1,200 annually.

Uniform allowance will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for uniform allowance will be listed separately from regular wages and specifically designated as uniform allowance.

**NEW HIRES:** At time of hire, a new fire employee will receive \$1,000 for initial uniform purchase. All future uniform allowance payments will be in accordance with the *General Provisions* section of this policy and will begin with the first payroll following six months of employment.

At time of hire, a new police employee will receive \$1,200 for initial uniform purchase. All future uniform allowance payments will be in accordance with the *General Provisions* section of this policy and will begin with the first payroll following six months of employment.

**If a new fire or police employee leaves the City within the first year of hire, the initial amount given for uniform purchase will be prorated and deducted from the employee's final paycheck.**

RETURNING EMPLOYEES: An individual who leaves the City's employ and returns within six months after termination will not receive the allowance as outlined under *New Hires* but will begin receiving regular biweekly uniform allowance payments with his first full paycheck. An individual who returns more than six months after termination will receive uniform allowance payments as outlined in the *New Hires* section of this policy.

# **CHAPTER 9**

## **SAFETY**

### **9.1 SAFETY**

#### **9.1.1 Job Safety Program**

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

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

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

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

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

#### **9.1.2 Fleet Safety Program**

If you operate City-owned vehicles/equipment, you are expected to drive with due care, observing all laws and rules of the road. Although all individuals should be aware of accident prevention, operators of City-owned vehicles/equipment have an obligation not only to themselves and their supervisors, but to the general public as well. Whatever your area of responsibility, you should be aware that your primary goal in providing a public service is to maintain the highest level of public trust. Exercising accident prevention and practicing driver safety at all times is vital to

maintaining this trust. The City of Hot Springs is acutely aware that an effective safety program is an integral part of municipal management. A fleet safety program is outlined in the following sections, and each employee and operator of City vehicles/equipment is expected to make a total commitment to the procedures set forth.

Department heads are initially and ultimately responsible for the administration of this program within their respective departments. Supervisors will be directly responsible for interpreting the safety program to those working under their supervision and for monitoring day-to-day compliance with the program. When any supervisor knowingly allows any employee to violate the rules and such violation leads to an accident, then that supervisor is more responsible for the accident than the employee.

The following procedure must be adhered to if you are involved in an accident while driving City-owned vehicles/equipment:

- Any time a City vehicle or piece of equipment is involved in an accident on a public roadway, that accident must be investigated by the appropriate law enforcement agency.
- Any time a City vehicle or piece of equipment is involved in an accident on City property, that accident will require investigation by the Police Department if damage occurs to property other than City-owned property.
- If an accident occurs on City property and involves only City vehicles, equipment and/or property, the appropriate supervisor or department head will make a determination as to whether or not a police investigation should be conducted.
- For any other type of accident/incident not listed above, police investigation will be at the discretion of the appropriate supervisor or department head.
- Contact your supervisor or department head regarding any alcohol and drug testing requirements.
- Do not make any statement regarding the accident except to your supervisor or a law enforcement officer and, if the accident requires a police investigation, **DO NOT MOVE YOUR VEHICLE BEFORE THE POLICE ARRIVE.** Secure and record all facts and pertinent information, including license numbers of all vehicles at the accident scene. Be courteous and show driver's license cooperatively; do not argue at the scene of the accident.

- Since damage can sometimes be caused to vehicles that may not be visible to the driver, any vehicle involved in an accident/incident should be taken to Fleet Service for inspection prior to placing the vehicle back in service.
- Vehicle accident report forms must be completed for every type of accident and incident. The completed forms are to be submitted to the Fleet Services Department within 72 hours after the accident/incident. (Since it creates duplicate records, the Police Department is exempt from completing these forms.)

If you observe an accident or are aware of a hazardous condition, you are expected to report this to your supervisor immediately. As a conscientious employee, this is a prime responsibility. If future losses are to be controlled, the establishment of a procedure to review accidents and determine their causes and corrections is necessary. An Accident Review Committee has been created for this purpose. The committee consists of seven members appointed by the City Manager. The committee analyzes each reported accident and makes a determination of whether the accident was “preventable” or “non-preventable” on the part of the City’s driver. The committee will also be responsible for developing related policies and procedures, subject to approval by the City Manager, and for maintaining accurate records of committee meetings and employee driving records.

A key to any accident prevention program is an effective inspection and preventive maintenance program. The preventive maintenance program for the City of Hot Springs will include, but not be limited to:

- daily inspections (as a minimum) of your vehicle/equipment to check for any damage and/or unsafe conditions;
- regularly scheduled inspections to determine the condition of safety equipment including (but not limited to) braking systems, all lighting and electrical systems, body, mirrors, door latches, frame, suspension systems, tires and any other safety accessories;
- accurate records of all work performed on vehicles and equipment; and
- a regular system of checking, greasing and washing vehicles and equipment.

Before operating any City-owned vehicle or equipment, employees are directly responsible for checking the following items:

- engine oil, coolant, power steering, transmission, hydraulic and

- brake fluid levels/leaks;
- tires, rims and attachment hardware for proper condition and inflation;
- all lights, gauges and electrical components for proper operation and condition;
- body, glass or mirror damage;
- brakes and emergency brake (test operation before moving vehicle/equipment);
- steering looseness, sticking or alignment; and
- all safety equipment.

Any defects noted in these or any other safety-related items should be reported immediately to your supervisor for instruction before operating vehicles/equipment. Federal and state laws prohibit the operation of an unsafe vehicle.

After completion of your vehicle/equipment use each day, record any defects and/or damage that was discovered; this information must be submitted to Fleet Service. Written vehicle deficiency reports must be submitted to Fleet Service for ALL vehicle defects. The vehicle/equipment operator is directly responsible for beginning this process.

*NOTE: The Fleet Safety Program for the City of Hot Springs applies to ALL operators of City-owned vehicles/equipment whether or not the operator is employed directly by the City.*

### **9.1.3 Accident Review Point System**

The Accident Review Committee will review each incident, and it is the committee's responsibility to determine the action that is appropriate based upon its findings. The action recommended by the committee represents minimum action that must be taken and will not limit or restrict the department head's authority to take more severe action.

The following point values will be assigned and assessed to the record of any operator of City-owned vehicles/equipment who is found to be responsible for preventable accidents or guilty of violations that do not result in accidents. This will include reported cases of vehicle and equipment misuse, abuse and improper maintenance. The committee will have the option of reducing the required point assessment for those accidents where total damages are less than \$500. The secretary of the committee will provide written notification to each employee and his department head as to the Committee's determination and any assessment of points. For the purpose of determining first, second and additional offenses, the committee will use the number of reviewed violations deemed to be preventable with points assessed within the preceding three year period.

**Offenses and Point Assessments**

<b><u>(Item Number) and Offense</u></b>	<b><u>1<sup>st</sup></u></b>	<b><u>2<sup>nd</sup></u></b>	<b><u>3<sup>rd</sup></u></b>
(1) D.W.I.	24	24	24
(2) Racing	24	24	24
(3) Evading Arrest	24	24	24
(4) Leaving Accident Scene	12	18	24
(5) Reckless/Hazardous Driving	12	18	24
(6) Speeding			
(a) within 10 mph of limit	2	4	6
(b) 11-20 mph over limit	3	5	7
(c) 20-40 mph over limit	6	8	10
(d) over 40 mph over limit	24	24	24
(7) Failure to Stop for School Bus or at School Crossing	6	12	18
(8) Speeding in School Zone (in addition to #6)	6	6	6
(9) Failure to Yield	4	8	12
(10) Failure to Yield to Pedestrian (with injury)	6	10	18
(11) Following Too Closely	4	8	12
(12) Inattention	3	6	9
(13) Improper/Careless Backing	3	6	9
(14) Improper Passing	6	8	10
(15) Improper Turn or Lane Use	3	5	7
(16) Improper Parking	2	4	6
(17) Improper Leaving of Vehicle	6	9	12
(18) Collision With Stationary Object	3	5	7
(19) Driving Too Fast For Conditions	3	5	7
(20) Negligent Damage to Public or Private Property	2	4	6
(21) Improper Use of City Property	2	4	6
(22) Failure to Comply With Written Safety Guidelines	2	4	6
(23) Other Specified Violations	2	4	6
(24) Driving a City Vehicle Without a Driver's License	12	18	24
(25) Driving a City Vehicle With Improper Driver's License (expired, out-of-state, etc.)	3	6	9

Assessment will be **REDUCED** by 50 percent when employee is required to drive during hazardous conditions or if no accident results. This reduction will not apply to Items 1, 2, 3, 4, 5, 22, 24 or 25. Assessment will be **INCREASED** by 50 percent if employee moves vehicle prior to police investigation. Assessment will be **INCREASED** by 50 percent if employee

fails to report the incident.

The supervisor of any employee found guilty of Item 24 or 25 will be assessed points at a rate to be determined by the Accident Review Committee.

An employee's privilege to drive City-owned vehicles and equipment will be suspended based on accumulation of points as follows:

- Accumulation of 12 Points . . . . . 3-Month Suspension
- Accumulation of 18 Points . . . . . 6-Month Suspension
- Accumulation of 24 Points . . . . . 1-Year Suspension

Employees should note the following important factors concerning suspension of driving privileges:

- Termination, transfer or demotion may result when suspension prevents the employee from performing the primary job that he was employed to perform.
- Suspended employees will be paid at the established rate for the job which is assigned during the suspension. This can result in significant loss of income to the employee.
- Any employee accumulating points resulting in a second suspension may be recommended for permanent suspension.

A suspended employee's accumulated points will be reduced upon completion of the suspension period as follows:

- Completion of a 3-Month Suspension . . . . . 12 Points
- Completion of a 6-Month Suspension . . . . . 18 Points
- Completion of a 1-Year Suspension . . . . . 24 Points

An employee's accumulated points (not involving suspension) will be reduced for continuous periods of time without accident or violation at the rate of four points per six month period without accident or violation. No employee will receive credit for more points than the total of his accumulated points at the time.

## **CHAPTER 10**

### **FORMS**

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