



CITY OF ROGERS
City Administration Building
301 W. Chestnut St
Rogers, Arkansas 72756
(479) 621-1117

EMPLOYEE POLICY MANUAL

Effective May 28th, 2019

Adopted by City Council

Resolution No. R-19-39

A RESOLUTION ADOPTING A REVISED PERSONNEL POLICY MANUAL FOR THE CITY OF ROGERS, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to adopt a revised Personnel Policy Manual in order to provide an up-to-date set of guidelines and policies intended to enhance understanding and cooperation among the employees of the City and to set forth rules and procedures to enhance the services of the City to its citizens; and

WHEREAS, it is in the best interest of the City and its employees to adopt revised written policies to establish a safe, efficient, and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees, and to explain the benefits provided for by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That the Employee Policy Manual, dated May 28, 2019, for the City of Rogers, Arkansas, is hereby adopted and shall read in its entirety as shown in Exhibit "A";


Section 2: That once adopted, Exhibit "A" will be edited into a final format, with no substantive changes, before being disseminated;

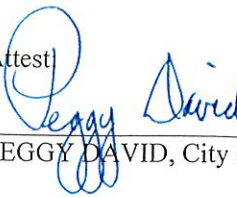

Section 3 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Resolution shall be construed as if such invalid, unenforceable, or unconstitutional provision or provisions had never been contained herein; and

Section 4 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this 28th day of May, 2019.

APPROVED:


C. GREG HINES, Mayor

Attest

PEGGY DAVID, City Clerk


Requested by: Thomas Dunlap, Director of Human Resources
Prepared by: Bonnie Bridges, Staff Attorney
Reviewed by: Bonnie Bridges, Staff Attorney
For Consideration by the Internal Affairs Committee

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1. PURPOSE

It is the purpose and intent of this policy to establish uniform personnel policies and procedures for all City of Rogers employees, to aid in efficient and economical management of city employees, encourage a positive working relationship between city employees, supervisors, and elected officials, and provide for a workable mechanism to accomplish these purposes.

Any section in the personnel policy that is covered under state and local Civil Service Rules and Regulations will not apply to the respective departments employed under Civil Service. Nothing in this policy shall be construed to deny employees of the City of Rogers their rights guaranteed by the laws of the United States Constitution, or the Constitution of the State of Arkansas.

Because of the evolving nature of employment regulations, and our business practices, these policies are subject to change periodically by action of the Rogers City Council. The Personnel Policy Manual is not intended to create any contractual or other legal rights, or alter the City's at-will employment policy for non-elected employees.

2. EMPLOYMENT

A City Employee is defined as any individual providing labor to the City of Rogers for a salary or wage payable from city funds, regardless of whether that person is employed at-will, elected, or otherwise appointed.

Employees will be classified into the following categories:

Elected Officials: eligible for health or retirement benefits based only on self-established hours of work, as required by Federal or State regulations. Elected Officials are exempt from FLSA wage and hour requirements, and accrued leave policies established in this policy. Compensation is based on an annual salary.

Eligible for group health benefits, accrued leave, and retirement:

1. Full-time salaried: Forty hours per week minimum, overtime exempt
2. Full-time hourly: Thirty hours or more per week, overtime eligible
3. Part-time hourly: Twenty to twenty nine hours per week, retirement benefits only

Not eligible for group health benefits or retirement:

1. Part-time ineligible: Less than twenty hours per week, pro-rated accrued leave
2. Temporary: Up to forty hours per week, employed less than 89 days
3. Seasonal: Employed less than seven (7) months for recreational purposes

Contractors shall not be considered to be employees of the City of Rogers at any time and will not be subject to the policies herein nor have rights to any employee benefits.

3. EMPLOYMENT AT-WILL

It is the policy of the City of Rogers that all non-elected employees serve under the doctrine of at-will employment. The City or employee may terminate the employment relationship at any time without cause or notice. The at-will designation cannot be modified except by written agreement with the Mayor, and/or the action of the City Council. Action of the City Council to establish formal policies of employment does not create a written or implied contractual employment relationship with any individual.

4. NON-DISCRIMINATION

The City of Rogers provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, veteran status or genetics; or any other established category protected by the employment laws of the United States or the State of Arkansas. All employment decisions at the City of Rogers are based on workforce needs, job requirements and individual qualifications. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

5. UNLAWFUL EMPLOYEE HARASSMENT

The City of Rogers, Arkansas expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, veteran status or genetics; or any other established category protected by the employment laws of the United States or the State of Arkansas.

Harassment is annoying, persistent conduct that singles out an employee, to that employee's objection or detriment, based on the protected factors defined in our Non-Discrimination (EEO) statement. The conduct violates our policy when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Victims can include anyone affected by the offensive conduct.

The City's policy against harassment applies beyond our normal work hours to cover all aspects of "work", including travel and off-site functions connected to job duties. Examples of harassment may include any of the following behaviors:

1. Verbal abuse or ridicule; offensive jokes, slurs, or name calling.
2. Physical threats of violence; intimidation.
3. Disrupting employee performance by creating an offensive or hostile environment.
4. Displaying or distributing sexually offensive, racist or other derogatory materials.
5. Using technology to intimidate, ridicule, threaten, or harass a coworker.
6. Discriminating against any employee in work assignments or job-related training because of one of the protected factors in our EEO statement.
7. Unwanted intimate physical contact.
8. Making offensive sexual, racial or other derogatory innuendoes
9. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following process will should be followed:

1. Clearly and directly tell the person responsible for the offensive behavior that you want the behavior to stop, either in person or in writing. Be specific about the unacceptable behavior.
2. If the behavior continues, notify a supervisor, HR Director, Staff Attorney, or the Mayor. This complaint should be made in writing. Employees are not required to report harassment within a chain of command that includes the person causing the offensive conduct. Supervisors made aware of harassment allegations are required to immediately bring their knowledge forward to the Legal department.
3. If an employee is a witness to, or has knowledge of harassment he/she shall inform the department head or other supervisor in writing, who will determine whether further investigation is warranted.
4. Each complaint shall be fully investigated and a determination of the facts with an appropriate response will be made on a case-by-case basis.
5. To the extent that it does not interfere with the investigation, or the Arkansas Freedom of Information Act, the city will protect the confidentiality of those involved.

The City of Rogers, Arkansas will not tolerate harassment of any form or retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Prompt and necessary action, including termination of the offender, will be taken to correct the harassment of employees. The City will pursue further disciplinary action against those that participate in, condone, or should have known of harassing conduct that violates this policy.

6. RULES OF CONDUCT

Employees of the City of Rogers hold a position of public trust. They are expected to demonstrate principled conduct and personal integrity at all times. Behavior that is harmful to other employees, citizens, or the City's ability to govern effectively is unacceptable and will most likely result in prompt termination of employment. Prohibited types of behavior include, but are not limited to:

- (A) Actions contrary to the laws of the United States, State of Arkansas, City Ordinance, or Civil Service regulations; conviction of a felony.
- (B) Using a city position to gain a personal benefit through an investment, association, or business relationship; accepting a form of compensation or gift from an outside individual or group solely for the performance of duties as an official or employee of the City.
- (C) Disclosing confidential information about members of the public, or safety sensitive operations.
- (D) Threatening or committing an act of violence against a citizen or coworker; disruptive or boisterous behavior.
- (E) Unauthorized or unlawful possession of a firearm or explosive on City property.
- (F) Working under the influence of illegal drugs or alcohol, including possession or distribution of the same.
- (G) Excessive tardiness or absenteeism; deliberate non-performance of work.
- (H) Insubordination; refusing to cooperate or interfering with an employment related investigation; neglect of personal appearance or hygiene.
- (I) Using City funds, equipment, or facilities for a purpose not authorized by the City.
- (J) Falsification of employment records, job applications, or timesheets; dishonesty or theft.
- (K) Intentional or reckless conduct that damages City owned property.
- (L) Violating the City's policies on either Technology or Unlawful Harassment.
- (M) Disregarding safety regulations and/or precautions; creating an unsafe environment for the public or staff; operating City vehicles in an unsafe manner.
- (N) Failing to perform the essential duties and responsibilities established in the employee's written job description.

7. HIRING

- (A) The Mayor shall establish the number and compensation of city employees with the advice and recommendation of department supervisors and the budget appropriation of the City Council. The job title, classification, and annual pay rate shall be specified by department in the annual budget approved by the City Council. This procedure will not apply to elected officials, city council, appointed officials or any other position or classification governed by any other City Ordinance or State Statute.
- (B) No person may be hired into positions until said positions are authorized by the City Council. Interim positions created or funded by federal, state or county funds may be authorized by the Mayor.
- (C) No elected or appointed official may hire a member of their family to a position directly or indirectly responsible to such official. This provision shall not apply to seasonal employment for recreational purposes.
- (D) In addition, no person may be employed if a member of his or her family has supervisory authority over that employee. This provision shall not apply to seasonal employment for recreational purposes.
- (E) Family member shall include spouse, parents, children, grandchildren, brothers, and sisters, parents-in-law, brothers and sisters-in-law and step-children.
- (F) Employees who become romantically involved with coworkers under their direct or potentially direct supervision have a duty to notify their supervisor to avoid the potential for conflict or an unequal balance of power.
- (G) Vacancies in the city may be filled by promotion whenever practicable and in the best interest of the city. All vacancies shall be reported to the Mayor's office and city employees may make application for such vacancies by notifying the appropriate supervisor. Promotions shall be based upon merit and may be made from within the same department or between departments in the city. All persons must meet the minimum entry qualifications for the new position and have a satisfactory performance record. All promotions will be approved by the Mayor with the advice and recommendations of the employee's supervisor.
- (H) Applicants for positions within certain departments shall complete a criminal background screening, to be completed after an offer of employment is made. The following departments are included in this practice: Airport, Adult Wellness, Animal Services, Code Enforcement, District Court, Finance, Human Resources, I.T., Legal, Library, Museum, Recreation/Aquatics, and Streets. A comprehensive background investigation will be performed on Police and Fire applicants as required by State standards.

8. ADMINISTRATION

- (A) In the interest of uniformity and to assure compliance with State and Federal laws regarding personnel records, the Mayor's Office will specify the format for and the minimum records to be maintained by hiring officials, provided that protection of privacy of city employees is strictly complied with in accordance with the Freedom of Information Act. Any person or persons, in connection with maintenance of personnel records, responsible for a violation of privacy will be subject to dismissal or other disciplinary action commensurate with their position.

- (B) The Mayor's Office will cause to be maintained in the administrative building, personnel records for all employees with the following information included in those records:
 - (1) Job applications
 - (2) Timekeeping records
 - (3) Hiring, transfer, promotion, demotion, resignation, and termination records.
 - (4) Payroll and insurance records
 - (5) Workers compensation and unemployment records
 - (6) Records required by State, Federal, or other agencies

- (C) To promote employee job opportunity, all hiring authorities will notify the Mayor's Office and Human Resources of all vacancies and anticipated job vacancies at the earliest practicable date.

- (D) Hiring officials will provide the Mayor's Office and Human Resources with information concerning employee hiring, resignation, termination, lay-off, promotion, transfer, or demotion to assure that records are properly maintained.

- (E) The Mayor retains final authority over the application and interpretation of policies regarding non-elected civilian employment actions, rates of accrued leave, and employee compensation.

9. HOURS OF WORK

(A) General

Employees of the City will observe a traditional forty (40) hour work week, Sunday through Saturday, unless specified in Section (B) below:

(B) Work Period

- (1) The Police Chief and/or Fire Chief may utilize the overtime exemption in Section 7(k) of the Fair Labor Standards Act by authorizing a work period of at least (7) consecutive days and no more than (28) consecutive days. Either the Fire Chief or Police Chief may initiate this type of work hour policy by stating the terms and conditions thereof in writing and presenting it to their respective employees no less than 60 calendar days prior to the effective date of change. Implementation of a Section 7(k) work period shall not require any additional action of the City Council.
- (2) Seasonal employees of the Aquatic Center employed for less than seven months are considered to be exempt from overtime requirements, as provided to recreational establishments in Section 13(a)(3) of the Fair Labor Standards Act.

(C) Recommended Work Hours

The Department Director or Chief will establish the hours of operation for their facility or services, and the resulting employee work schedules, in agreement with their Elected Official.

(D) Meal and Rest Periods

All lunch and rest periods shall be scheduled by the Department Director or immediate supervisor. A break provided to hourly employees for thirty (30) minutes or more in length shall be unpaid, and the employee is to be completely relieved of duty. The City will compensate employees who are expected to work during a lunch period, or are otherwise called to duty.

(E) Attendance

City employees are expected to be in attendance every day they are scheduled to work. If the employee anticipates being tardy or absent, the employee shall notify their immediate supervisor as soon as possible.

Employees who do not report for work after three scheduled work days, and fail to communicate with their supervisor, will be deemed as abandoning their position by resignation.

(F) Inclement Weather

It is the Mayor's sole authority to close City offices due to extreme weather conditions. Essential employees are expected to report or remain on duty in the event of closure. The designation of "essential" is made by the Department Director or Chief, and generally includes Police, Fire, Dispatch, and Street employees.

Non-essential employees affected by a closure will receive regular pay for the duration of the closure. Employees previously scheduled to be on accrued vacation, sick, or comp-time may not substitute inclement weather pay.

When city offices are open, employees unable to report to work due to weather conditions may use accrued vacation or comp-time.

(G) On Call Pay

Employees will be able to report regular hours worked while on call, when the on call period 1) requires the employee to remain on or near City offices; or 2) prohibits the employee from engaging in personal activities, excluding alcohol consumption; or 3) the employee is frequently interrupted and personal activities are overly restricted.

(H) Salary Basis Policy:

The Fair Labor Standards Act (FLSA) provides an exemption from overtime pay for certain executive, administrative, and professional employees meeting a salary test established by the U.S. Department of Labor. Exempt employees will receive a predetermined amount of compensation for each pay period regardless of the amount of days or hours worked. To qualify for exemption, employees must meet certain tests regarding job duties and annual salary, and have approval of the Mayor. Job titles alone do not determine exempt status.

The City may make partial or full day deductions from pay when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability;
- For absences of one or more full days due to sickness or disability if deductions are made in accordance with our bona fide paid leave policies;
- For unpaid suspensions as a result of a disciplinary action, or violation of our safety practices;
- For partial work weeks at the beginning and end of employment;
- For unpaid leave under the Family and Medical Leave Act or other extended illness when no work services are being performed for the City.

Improper deductions from the salaries of exempt employees are prohibited. Exempt employees who believe that an improper deduction of salary has occurred should immediately contact the Director of Human Resources for prompt investigation.

10. OVERTIME

General Policy for all City Employees:

- (A) Excluding those employees exempt from payment of overtime pay under the provisions of the Fair Labor Standards Act, other municipal employees shall be paid at the rate of one and one-half (1 1/2) times the employee's regular rate for all hours worked in excess of forty (40) hours during a work period. (See exception below for Fire personnel). Overtime is based only on worked hours.
- (B) Non-exempt employees have a duty to report all of the hours worked in a pay period. Hourly employees are not expected to conduct City business by City email or phone while off duty, though the City will not retaliate against an employee who reports having to work while off the clock.
- (C) All non-exempt employees must have overtime work approved in advance by their supervisor. Non-exempt employees who work unauthorized overtime hours may be subject to disciplinary action.

11. COMPENSATORY TIME

- (A) Non-exempt full-time employees who work overtime are eligible to accumulate compensatory time calculated at a rate of one and one-half (1 ½) hours worked beyond 40 regular hours. The Director or Chief of a department may determine whether an employee receives monetary overtime compensation, or accrue compensatory time, based on budget considerations.
- (B) With the Mayor's approval, the Department Director or Chief may establish a limit of allowed comp-time accrual not to exceed 240 hours. When an employee reaches the accrual limit, additional overtime worked will be paid as cash through regular payroll.
- (C) Employees must seek approval from their supervisor to schedule time off using accrued comp-time, and must substitute comp-time first in place of any other form of paid leave. The Director or Chief of a department may allow accrued vacation or sick time to be used prior to the use of accrued comp-time, when the employee's vacation or sick balance is within 40 hours of their maximum accrual amount. Comp-time may be used in quarter (1/4) hour increments.
- (D) When an employee transfers from one City department to another, the originating department will pay out any accrued comp-time when requested by the receiving department.
- (E) Any accrued comp-time balance will be paid to the employee upon termination of employment, based on the employee's wage at the time of termination.

12. OUTSIDE EMPLOYMENT

- (A) The city expects each employee to devote full time and attention to the city's interest during regular hours of employment and for whatever additional time as may be required. Outside employment or other gainful business activity by employees could involve an actual or potential conflict of interest or could lessen the impartiality, judgment, effectiveness, or productivity which is expected in the performance of their duties.
- (B) Employees may not engage in outside employment without the prior approval of their Department Director or Chief.
- (C) The Director or Chief of a department may not engage in outside employment without the prior approval of the Mayor.
- (D) In the event an employee is approved for outside employment, the employee is expected to make the City of Rogers employment their first priority and no schedule changes will be made to accommodate the additional job.

13. POLITICAL ACTIVITY

- (A) No city employee shall be appointed, advanced, promoted, reduced, demoted, transferred, reassigned, suspended or discharged or otherwise discriminated for or against because of political opinion or affiliation.
- (B) As stated in A.C.A. § 7-1-103, it shall be unlawful for any city employee to campaign for any candidate for office, nomination, initiative, or petition during any hours where the employee is physically working for the City. Each City employee shall refrain from soliciting or receiving any assessment, subscription or contribution from any other city employee for any candidate for any elective office of the City of Rogers, or for any political organization having an interest in the government of the City of Rogers and/or its elected officials. All city employees are encouraged to remember that they are regarded by the local public as representatives of the City of Rogers.
- (C) Constitutional rights to participate in the political process should be exercised by city employees under circumstances which do not conflict with the performance of employment duties for the City of Rogers.

14. HOLIDAYS

(A) Holiday Allowance

All fulltime permanent positions will receive the following twelve (12) paid holidays each year, without a waiting period.

New Year's Day	January 1
Martin Luther King Day	3 rd Monday in January
Presidents Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Eve Day	December 24 th
Christmas Day	December 25 th
Employee's Birthday	Floating day to be used within the calendar year.

(B) Miscellaneous

- (1) When a holiday falls on a Saturday, it will be observed on the proceeding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday.
- (2) In the event that an employee is required to work on a paid holiday, the employee may be granted a day off within the same pay period at a date that is agreeable to both the employee and the employee's supervisor.
- (3) An employee scheduled to work the day before or after a holiday must substitute accrued vacation or comp time, if absent. The employee may instead use accrued sick time while on FMLA or by submitting proof of treatment provided by a Physician or Hospital.

- (4) Non-exempt sworn Police and Fire employees, Dispatchers (including shift Supervisors), and Prison Transport Officers are paid for holidays throughout the year at the rate of 3.6923 hours per pay period.
 - (5) The employee's birthday accrues on January 1st of each year, and is not an accrued benefit payable upon termination. First year employees will accrue when the hire date precedes their birthday. Employees may use birthday leave in increments of one (1) hour.
 - (6) Part-time employees are eligible to earn holiday pay when the holiday occurs on the same day they are traditionally scheduled to work. The amount paid cannot exceed the typically scheduled hours for that day of the week.
 - (7) Part-time Library employees earn a prorated amount of holiday based on their regularly scheduled hours. *Hours worked per week / 40) x 8 = Holiday pay earned*
- (C) Hours of paid holiday shall not be included in the hours worked calculation for determining overtime pay.
 - (D) The Mayor may designate additional days as paid holidays or may change the date in which the holiday is observed.

15. JURY DUTY LEAVE

- (A) In recognition of a city employee's civic obligation to serve, if so required, as jurors in any designated legal proceeding, Jury Duty will be authorized by the employer for the entire period of service.
- (B) The city will pay the employee his regular salary, and the amount paid to the employee by the court for his services on the jury is to be retained by the employee.
- (C) This policy also applies to employees who are subpoenaed to appear in a court proceeding.
- (D) Hours of paid jury duty leave shall not be included in the hours worked calculation for determining overtime pay.

16. VACATION LEAVE

VACATION FOR CIVILIAN EMPLOYEES

All employees who work a minimum of 40 hours per week and are hired for the entire year are eligible for a paid vacation accrued each pay period per the following schedule:

Length of employment	Hours earned per year	Hours each pay period	Maximum accrual
Up to 5th anniversary	80	3.077	160
Five years to 10th anniversary	120	4.6154	240
10 years of service	160	6.1539	320

VACATION FOR FIREFIGHTERS

(A.C.A. § 14-53-107):

Shift Personnel (56-Hour Work Week)

Tier	Service Time	Accrual Rate	Maximum Accrual
FF1	Less than 5 years	7 Shifts (168 hours)	Two times the annual rate of accrual
FF2	5 years to 9 years	9 Shifts (216 hours)	
FF3	10 years to 19 years	11 Shifts (264 hours)	
FF4	20 years or more	13 Shifts (312 hours)	

Fire Staff Personnel (40-Hour Work Week)

Tier	Service time	Accrual Rate	Maximum Accrual
S1	Less than 9 years	15 days (120 hours)	Two times the annual rate of accrual
S2	10 years or more	20 days (160 hours)	

Vacation is accrued each pay period and not given in a lump sum at the beginning of the year. Utilization of vacation is governed by internal fire department procedures. Fire shift personnel must take vacation in twelve (12) hour increments.

VACATION FOR POLICE / SWORN OFFICERS

(A.C.A. § 14-52-106):

Service Time	Accrual Rate	Maximum Accrual
Up to 10 th anniversary	15 days (120 hours)	Two times the annual accrual rate (240 hours or 320 hours).
After 10 th anniversary	20 days (160 hours)	

Vacation is accrued each pay period and not given in a lump sum at the beginning of the year. Utilization of vacation is governed by internal police department procedures.

(A) Vacation Rules for all Employees

- (1) Eligible employees will begin accruing vacation time on their first day of work but must wait 90 days before using any accrued vacation time.
- (2) An employee may accumulate a vacation leave balance of up to two times the amount they are eligible to accrue in one year. Vacation accrual will freeze when the maximum accrual is reached.
- (3) Part time employees hired to work less than 40 hours per week and are hired for the entire year will accrue vacation time at a pro-rated amount proportional to the number of hours worked.
- (4) Fulltime employees rehired after a break in City of Rogers fulltime employment, caused by reasons other than misconduct, will resume their vacation accrual rate based on their combined length of City of Rogers employment. Vacation balances not already paid out will be restored for employment separations of less than 31 days.

(B) Vacation Scheduling

- (1) Vacation time may be taken in one (1) hour increments. (Fire shift personnel in twelve (12) hour increments).
- (2) If an authorized holiday falls during an employee's vacation leave the day will not be considered a vacation day.
- (3) An employee may only use their accrued vacation time upon approval of the employee's supervisor. Department Directors/Chiefs must have the approval of the Mayor. Employees should make their requests for vacation leave to their supervisor in advance to allow the supervisor to adequately prepare to have the employee's duties performed while on vacation leave.

- (4) Under certain circumstances, the employee may be required to change the date of the employee's vacation to meet the needs of the city. In order to provide the best service to the citizens of Rogers and other City employees, supervisors will retain the right to limit the number of employees who can be on vacation at any given time within their departments or work groups.

(C) End of Employment

- (1) General Termination, Retirement, or Death - After the first year of employment, the employee will be paid for all unused vacation days the employee has accrued, at 100% of the base rate applicable at the time of resignation.
- (2) Involuntary Termination for Misconduct- If an employee is involuntarily separated from employment due to behavior contrary to our listed Rules of Conduct, any unused vacation days will be forfeited.

- (D) Hours of paid vacation shall not be included in the hours worked calculation for purposes of determining overtime pay.

17. SICK LEAVE

(A) Sick Leave Allowance:

- (1) *Civilian employees* who work a minimum of 30 hours per week for the entire year will earn up to twelve (12) working days of sick leave per year. Sick leave days are calculated at the rate of 3.6923 hours per pay period, to a maximum of sixty (60) working days (480 hours).
- (2) Fulltime sworn *Police officers* will earn sick leave at the rate of 20 days (160 hours) per year to a maximum of 90 days (720 hours).
- (3) Sworn members of the *Fire department* will earn sick leave based on the following work assignments:
 - Shift personnel (56 hour work week):
 - 20 shifts per year (480 hours)
 - Maximum accrual of 60 shifts (1440 hours)
 - Normal work week (40 hours):
 - 20 days per year (160 hours)
 - Maximum accrual of 180 days (1440 hours)
- (4) Sick leave for all employees may only be used for the illness or treatment of the employee, or the illness or treatment of the employee's parent, spouse, or child. Employees may use sick leave in no less than one (1) hour increments.
- (5) Employees using more than three (3) consecutive days of sick leave, must submit a statement by a physician, stating that their physical condition prevented them from appearing for work. A supervisor may ask for proof of illness or medical treatment at any point prior to three consecutive days. Refer to Section 14-B(3) regarding use of sick time the day before or day after a holiday, when scheduled.
- (6) Employees requesting sick leave should contact their supervisor as soon as possible. Abuse of sick leave benefits may be cause for disciplinary action or dismissal.
- (7) An employee may donate accumulated sick leave to their City employed spouse when the other employee experiences an FMLA qualified illness and has exhausted their available sick leave balance. The donated hours will be paid according to the pay rate of the receiving employee on FMLA.
- (8) Sick leave balances not already paid out will be restored when employment separations occur for less than ninety (90) days.

(B) Reimbursement for civilian employees:

- (1) Effective for all employees hired BEFORE January 1st, 2015, upon retirement with 20 years of accumulated city service, permanent job related disability, or death, employees will be reimbursed sick days accumulated up to a maximum of sixty (60) working days (480 hours).
- (2) For all employees hired ON or AFTER January 1st, 2015, upon retirement with 20 years of accumulated city service, permanent job related disability, or death, employees will be reimbursed at a rate of 50% of current value.
- (3) If an employee terminates employment for any other reason, all accumulated sick leave pay will be forfeited. An employee's sick leave balance will be restored if the employee returns to active fulltime work within thirty-one (31) calendar days.

(C) Reimbursement for Sworn Police employees (A.C.A. § 14-52-107):

- (1) Upon retirement, permanent job related disability, or death; full time sworn Police officers will be reimbursed for any unused sick leave at their standard rate of pay to a maximum of 65 days (520 hours). [Ordinance No. 17-03]

(D) Reimbursement for Sworn Fire employees (A.C.A. § 14-53-108):

- (1) Upon retirement, permanent job related disability, or death; full time sworn Fire employees will be reimbursed for any unused sick leave at their standard rate of pay to a maximum of three month's salary.

(E) Hours of paid sick leave shall not be included in the hours worked calculation for determining overtime pay.

18. EXTENDED MEDICAL LEAVE / (FMLA) FAMILY MEDICAL LEAVE ACT

- (A) The Family and Medical Leave Act of 1993 (FMLA) provides job and benefit protection for employees who have completed twelve months of total service *and* worked 1250 hours during the 12 months prior to the start of FMLA leave. The Act provides up to 12 weeks of protected leave for a serious health condition of the employee, spouse, child, or parent; incapacity related to pregnancy or childbirth; to care for a newborn or adopted child; or for certain events related to active duty service in the U.S. Military.
- (B) The twelve month period for FMLA eligibility is calculated as the 12-month period measured forward from the date of your first use of FMLA qualifying leave. FMLA leave may be used on an intermittent basis. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the City agrees to the intermittent schedule.
- (C) Employees should provide 30 days advance notice of the need for FMLA, when possible. When not possible, notice should be given as soon as practicable and in coordination with the department's normal call in procedure.
- (D) The City may require that the need for leave for the employee or the employee's immediate family member be supported by a certification by a health care provider. Once certification documents are received, an employee has fifteen (15) calendar days to return the documents to Human Resources. Periodic recertification may also be required.
- (E) Prior to a return to work from FMLA, the City may require a "fitness-for-duty" certification from the employee's health care provider showing that the employee is able to resume working. This certification will only be requested with regard to the employee's health condition that caused the need for FMLA, where the health condition is related to job duties and consistent with business necessity.
- (F) FMLA leave will run concurrently to all other types of leave, including vacation, sick, comp time, and Worker's Compensation. As instructed within the law, employees cannot waive their prospective rights under FMLA, or use other forms of leave to delay the use of FMLA when the leave would qualify for protection under the Act.

19. WORKPLACE ACCOMMODATION

- (A) The City of Rogers is committed to providing equal employment opportunities to individuals with disabilities, those regarded as having disabilities and those associated with individuals with disabilities. Accordingly, we do not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. The City complies with all federal and state laws concerning the employment of persons with disabilities and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).
- (B) The City will engage in an interactive process to find a reasonable accommodation for qualified individuals with a disability to enable them to perform the essential functions of a job, unless doing so causes an undue hardship to the City, or a direct threat to the safety of these individuals or others in the workplace, and the threat cannot be eliminated by a reasonable accommodation.
- (C) When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration of employment as any other employee or applicant.
- (D) All employees are required to comply with worksite safety standards. Current employees who pose a direct threat to the health and safety of themselves or other individuals in the workplace will be placed on appropriate leave until the City can make a lawful and reasonable decision in regard to continued employment.

20. SICK LEAVE BANK

- (A) The city agrees that a Sick Leave Bank (SLB) will be established and may only be used by an employee who is eligible under the Family Medical Leave Act (FMLA).
- (B) Use of SLB days will commence after a member of the SLB has exhausted all of his/her accumulated sick leave and any unused vacation and compensatory time. SLB days may only be used for an FMLA qualified illness, or when the need for leave continues after the exhaustion of the previously certified FMLA condition.
- (C) The SLB year shall be the same as the city's fiscal year, January through December.
- (D) Participation in the SLB is only available to employees of the city who are considered fulltime and would be also be eligible to use FMLA. Participation in the SLB is on a voluntary basis.
- (E) Membership must be renewed and does not carry forward from year to year. All employees who are eligible will be given an opportunity to join each November and must donate a minimum of one (1) day of accrued sick leave. Notification of said contribution shall be on the SLB form distributed by the Finance office. Copies of this form transferring sick leave days to the SLB will be forwarded to the Finance Office. An Employee cannot be penalized for days donated (in the current year) to the SLB in case of retirement.
- (F) SLB days may only be granted to an employee for an FMLA qualified illness, including that of the employee's spouse, parent, or child. A request for SLB days shall be on the SLB form and submitted to the Human Resources Office. The requesting employee is not required to provide the diagnosis or treatment of the illness causing the request for SLB benefits, only that the leave has already qualified for FMLA as certified with Human Resources or the Legal Department.
- (G) Requests for SLB benefits may be made when no other paid leave is available to complete the employee's typically scheduled pay period. Applicants may only request grants from the SLB for the amount of hours necessary to complete the pay period where the need for leave occurs. No applicant shall be eligible for more than 240 hours of SLB benefits per 12 month period, measured forward from the date of first use.
- (H) The use of SLB time may be provided in increments of one (1) hour.
- (I) The denial or granting of a request shall be in writing and forwarded to the applicant and a copy shall also be forwarded to the Finance Office for payroll purposes. All denials shall state the reasons for such decision in writing.
- (J) In the event the total number of available days in the SLB is less than fifty (50), the Finance Department shall solicit additional contributions to the SLB from all eligible employees.

21. EMPLOYEE HEALTH INSURANCE

- (A) The City of Rogers makes available a Group benefit plan for employees who work a minimum of 30 hours per week and are hired for a full year (52 consecutive weeks).
- (B) The employee's effective date for coverage will begin the first day of the month following thirty days of full time employment. Rate information and plan documents regarding the health and dental plan are maintained by the Human Resources Department.
- (C) According to IRS Section 125 Cafeteria plan regulations, benefit elections that require a pre-tax payroll deduction may only be modified during the City's annual open enrollment period, or due to an IRS-qualified change event (marriage, divorce, birth, adoption, loss of other coverage, etc.)
- (D) Upon termination of employment, benefit continuation is provided for under the regulations of the Consolidated Omnibus Budget and Reconciliation Act (COBRA). Departing employees will be notified of their rights to COBRA continuation by mail after termination, with coverage retroactively restored once the initial premium is paid. COBRA can be denied in the case of an involuntary termination for gross misconduct.
- (E) Group benefits will remain in effect until the end of the month following the employee's last active day of performed work, unless actively using FMLA. An employee with a separation of employment lasting less than thirty one (31) calendar days may have their benefit elections restored without satisfying a waiting period.
- (F) A retired elected official or employee of the City of Rogers is eligible for continuation of group health benefits as described in Arkansas law (See A.C.A. § 24-12-129, § 24-12-132 and/or by City ordinance No. 06-199).

22. WORKER'S COMPENSATION

- (A) All employees are covered by Worker's Compensation Insurance. Employees seeking benefits should file immediately through their supervisor within forty-eight (48) hours of the date and time of injury.
- (B) The City of Rogers will select the initial primary care physician for an employee's injury. The employee may then request a one (1) time only change of physician by notifying the employer or Worker's Compensation carrier. Treatment or services furnished or prescribed by any physician outside of this process, except emergency treatment, shall be at the employee's expense.

23. BEREAVEMENT LEAVE

- (A) Bereavement Leave may be granted to full-time city employees to be used only in the death of a member of the employee's or the employee's spouse's family. Proof of the need for leave may be required.
 - (1) Up to three (3) working days (Fire: not to exceed 48 hours) of paid leave are authorized for a death in the employee's immediate family. Immediate family shall include the employee's spouse, parents, children, grandchildren, brothers or sisters, and grandparents. Also included are the employee's parents-in-law, step-children, step-grandchildren and brothers/sisters-in-law.
 - (2) One (1) working day (Fire: not to exceed 24 hours) of paid leave is authorized for a death in the employee's extended family. Extended family shall include the aunts, uncles, nephews, nieces, and cousins of the employee and/or spouse.
- (B) Bereavement leave must be used within (14) calendar days of the death. The employee may use additional sick leave when the death includes an immediate family member as described in section (1). Employees seeking additional sick time beyond the use of bereavement should appeal to the Department Director or Chief of their department.
- (C) The Mayor retains the authority to modify the application of this policy.
- (D) Hours of paid emergency leave shall not be included in the hours worked calculation for determining overtime pay.

24. MILITARY LEAVE

- (A) As stated in A.C.A. § 21-4-212, any employee serving as member of any military reserve or National Guard unit for the United States will be granted fifteen (15) working days of leave each year, plus travel time, to participate in annual training exercises or other duties performed in an official duty status. A copy of the employee's orders should be presented to the employee's supervisor as early as possible so adequate preparation can be made for the employee's absence. The leave will be granted without loss of vacation time.
- (B) An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay (A.C.A. § 21-4-212).
- (C) Employees called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time. A copy of the employee's orders should be presented to the employee's supervisor (A.C.A. § 21-4-212).
- (D) The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the civilian job rights and benefits for veterans and members of Reserve components. An employee who serves as a member of the United States Uniformed Services, Public Health Service, or National Disaster Medical System on a temporary or permanent basis will be reinstated at the employee's salary level with no loss of seniority in the employee's last position or a comparable position upon being honorably discharged and requesting such reinstatement under the terms required by USERRA.
- (E) Hours of paid military training leave shall not be included in the hours worked calculation for determining overtime pay.

25. DISCIPLINE

- (A) The City of Rogers may use progressive discipline as a development tool to address poor performance and/or behaviors that have fallen below expectations, and to ensure the fair and consistent application of discipline.
- (B) The typical steps of progressive discipline include: 1) verbal notice, 2) written notice, 3) suspension with or without pay, 4) demotion, and 5) termination of employment. The City may skip certain steps of progressive discipline depending on the circumstances, or combine multiple issues into one action.
- (C) Leave *without* pay may be utilized by a supervisor to address an employee's performance or disciplinary issue, not to exceed thirty days.
- (D) With the Mayor's approval, leave *with* pay may be granted during the course of an internal investigation or other administrative reason.
- (E) The use of progressive discipline does not modify the employment at-will relationship between the City and employee. Either party may end the employment relationship at any time without cause or notice. Serious areas of poor performance or conduct, like those shown in our Rules of Conduct, will likely result in suspension or termination without the use of any progressive steps of discipline.

26. TERMINATION

- (A) At the time of termination an employee's final paycheck may be held until said employee has turned in all city property, such as I.D. cards, keys, etc. to said employee's supervisor.
- (B) In the event an employee is terminated for behavior contrary to our listed Rules of Conduct, all accrued vacation time will be forfeited.

27. RESIGNATION

- (A) Any employee contemplating resignation is urged to discuss this decision with the employee's supervisor before proceeding. While not required, an employee should make an effort to give a two (2) week notice in order to provide the city an opportunity to find a suitable replacement.
- (B) The employee's accrued vacation balance will be paid out only after the completion of one year of service.
- (C) At the time of resignation an employee's final paycheck may be held until the employee has turned in all city property, such as I.D. cards, keys, etc.

28. LAY-OFF

- (A) Circumstances may cause a need for a reduction in the number of city employees. Should this need arise, a number of employees may be laid off for an indefinite period of time. While not required, attempts will be made to give the affected employee at least a two (2) week notice. The decision to lay-off will be made by the Mayor with the advice and recommendation of the employee's supervisor.
- (B) This procedure will not be used in the case of elected or appointed personnel.
- (C) At the time of lay-off an employee's final paycheck may be held until said employee has turned in all city property, such as I.D. cards, keys, etc.
- (D) An employee may utilize any vacation time due at the time of lay-off.

29. RETIREMENT

- (A) All employees who are hired for more than 90 consecutive days, and who work a minimum of 80 hours per month are to be members of the Arkansas Public Employees Retirement System (APERS). Sworn Police and Fire employees are to be members of the Local Police and Fire Retirement System (LOPFI). The primary cost is borne by the city and is based on a percentage of the employee's gross salary. Employee contributions are generally required by both retirement systems, as governed by the State of Arkansas.
- (B) The vesting period for APERS and/or LOPFI is established by each respective retirement system.
- (C) A retired elected official or employee of the City of Rogers is eligible for continuation of group health benefits as described in Arkansas law (See A.C.A. § 24-12-129, § 24-12-132 and/or by City ordinance No. 06-199).
- (D) For further information contact the Human Resources Office.

30. TRAVEL AND REIMBURSEMENT OF EXPENSES

A. GENERAL

- (1) The travel policy is designed to provide guidance for traveling on City business and ensure the best use of our City resources. It is intended to encourage discretion in business travel expenditures and ensure compliance with federal regulations.
- (2) In order to afford employees maximum flexibility in the accomplishment of their assigned tasks, the City will pay travel expenses directly related to official City business in accordance with amounts authorized herein as approved by the employee's Chief/Director and the Mayor. The Mayor retains the final authority over approval and reimbursement of work related expenses.
- (3) The individual employee who travels on official business is responsible for making sure he/she understands this policy and complies with it. Any unusual circumstances or exceptions to what is specified in this policy must be clarified in advance and any deviations must be approved in advance in writing or the rules stated in this policy will be applied.
- (4) The Finance Department ensures conformity to the procedures as prescribed in this guideline. Normal audit rules will be applied to establish conformance among City departments. The travel policy will be reviewed annually, or as necessary.
- (5) Violations of this policy can result in discipline, up to and including termination of employment.

B. PROCEDURE

- (1) Employees must complete a Travel Request Form no later than two weeks prior to travel and submit to Chief/Director prior to paying expenses related to the travel request. The conference/training agenda should be attached to the Travel Request Form. The Chief/Director will evaluate the impact of travel requests against factors including budget constraints, job-relatedness of traveler's activities, and other program considerations. If the Travel Request Form is approved by the Chief/Director, and if overnight travel is required, the form is submitted to the Mayor for approval.
- (2) After approvals have been obtained, the original Travel Request Form should be submitted to Finance Department for per diem and personal vehicle mileage check(s) to be issued. The check(s) will be given to the Chief/Director to be distributed to the traveler one business day prior to the trip. In the event the trip is cancelled the check(s) should be returned to the Finance Department to be voided.
- (3) All receipts are required to be turned into Chief/Director (or designee) within one week upon returning from trip. Chief/Director should approve and code all receipts and

submit to the Finance Department for proper accounting. The cost of the trip should not exceed the amount noted on the Travel Request Form, without verifiable justification.

- (4) If applicable, the traveler will be assigned a City of Rogers credit card to charge allowable travel expenses as approved on the Travel Request Form. When personal funds are used for business related expenses, the employee will be reimbursed for actual cost with the original receipt upon approval of Chief/Director.
- (5) Allowable expenses for official City travel shall be computed according to the policies described below.

C. TRANSPORTATION

Employees should evaluate all transportation methods noted below and use the least costly form of transportation.

Airfare

- (1) Airfare tickets should be purchased at least 14 days in advance of the trip and at the lowest coach airfare rates, exceptions can be made with Chief/Director approval. Seating upgrades should not be selected unless no other seating is available. FAA regulations state that tickets must be issued in the traveler's name. Bag fees are limited to one bag per trip, unless additional bags are approved by the Chief/Director as noted on the Travel Request Form.
- (2) An employee may purchase airfare to extend their travel outside of the scheduled event when there is no additional cost to the City, and the additional time is approved by the Chief/Director.

Automobile

- (1) A City vehicle should be used when available. Only City employees may operate a vehicle owned by the City. When two or more travelers from the same department are attending the same workshop, conference, etc. and the travelers wish to travel in separate automobiles, approval must be requested in advance from Chief/Director.
- (2) If the use of a personal vehicle is approved, mileage reimbursement is allowable on a per mile basis as determined by the current IRS rate. This shall include use of personal vehicles used to travel to and from the airport. Trip distances shall be computed on shortest distance per Google maps (<https://maps.google.com/maps>) Starting mileage should be calculated from place of work or home; whichever is shortest distance.
- (3) When electing to travel by personal vehicle, mileage reimbursement shall not exceed the lowest coach airfare available at the time of the travel request, and food expenses

will only be reimbursed for one day of travel to and from the destination.

Taxi/Bus

Taxi fare is reimbursable for trips to and from the airports, and for other necessary City business related trips.

Rental Vehicles

Rental vehicles for official City travel are allowed. Chief/Directors must verify the use of the rental car is economically feasible and determine the size of the vehicle is adequate for the type of business travel required. Rental vehicles must be rented from a nationally recognized rental organization and a detailed receipt must be obtained.

D. MEALS

- (1) The City will use a per diem basis for meal allowance; therefore, actual meal receipts will not be required. The per diem rate for Meals and Incidental Expenses (M&IE) shall be equal to the U.S. General Services Administration's (GSA) M&IE rates. (www.GSA.gov) The GSA website determines the per diem amount by location.
- (2) The daily per diem meal allowance may be reduced for the day of departure, day of return, and when meals are included with the cost of the training, conference, or hotel. The per diem amount allowed will be at the discretion of the Chief/Director for these instances. The GSA chart shall be used to determine the partial day breakdown.
- (3) Chief/Directors may establish a policy within the department regarding meals for local day trips. Due to IRS regulations, the City is required to report the cost of meals as income on the Employee's W2 when no overnight travel has occurred.
- (4) If an employee is reimbursed for actual cost incurred for meals, the City will not reimburse more than the per diem amount. Reimbursement for alcoholic beverages is prohibited. The City will reimburse up to 18% gratuity before tax. Meal receipts must include the items purchased with the credit card receipt for reimbursement.

E. LODGING

- (1) The City will reimburse charges for single room rate, taxes, and phone calls made on behalf of the City, where it is reasonably expected that a prudent traveler could not return to their residence. Travelers are to request government or conference rates.
- (2) The City will pay for individual rooms for employees but will not pay extra if travelers choose to share a room. The City will not pay for any additional costs associated with guest(s) staying with an employee, unless the guest has a legitimate business purpose.

(3) An employee may reserve additional nights to extend their travel outside of the scheduled event when there is no additional cost to the City, and the additional time is approved by the Chief/Director.

(4) It is the responsibility of the Chief/Director to verify lodging rates are reasonable.

F. PARKING

(1) Expenses incurred for parking are reimbursable, with receipts. Airport parking shall be reimbursed at lowest parking rate available, unless approved by the Chief/Director.

G. REGISTRATION OR CONFERENCE FEES

(1) Registration/Conference fees are allowable expenses and may be paid by the City upon approval of the travel request form.

H. OTHER MISCELLANEOUS EXPENSES

(1) Approval for all miscellaneous expenses required for the trip/conference (manuals, tapes, publications, etc.) can be submitted on the Travel Request Form. Leisure activities, movie rentals, concierge tips, and other items not included in your basic registration fees are not reimbursable.

(2) Any other expenses that do not meet the requirements outlined above may be submitted on the Travel Request Form for consideration by the Chief/Director. Each such request will be considered on a case-by-case basis.

31. WORKSITE SAFETY POLICY

The personal safety and health of each employee of this municipality is of primary importance. The prevention of occupationally-induced injuries is of such consequence that it will be given precedence over operating productivity whenever necessary. To the greatest degree possible, management will provide all physical and mechanical facilities required for personal safety and health in keeping with the highest standards.

We will maintain a safety program conforming to the best practices of organizations of this type. To be successful, such a program must embody the proper attitude towards injury prevention on the part of both supervisors and employees. It also requires cooperation in all safety matters between each employee and his or her fellow workers. We must mutually work together to provide an environment where the employee can bring forward potential safety hazards without fear of retaliation.

Any breach of safety policies or protocols can and/or will be grounds for disciplinary action up to and including termination of employment.

Our safety practices will include:

- 1) Providing mechanical and physical safeguards to the maximum extent possible, including personal protective equipment and instructions for its use and care;
- 2) Training all employees in good safety practices;
- 3) Developing and enforcing safety rules, requiring that employees cooperate with these rules as a condition of employment;
- 4) Investigating promptly and thoroughly, every accident to find the cause and to take corrective action to prevent its reoccurrence.

We recognize that the responsibilities for safety are shared:

- 1) Supervisors are responsible for developing the proper attitudes towards safety in themselves and in those they supervise; and for ensuring that all operations are performed with the utmost regard for the safety of all personnel involved, including themselves;
- 2) Employees are responsible for complete, genuine cooperation with all aspects of the safety program, including compliance with all rules and regulations, and for continuously practicing safety while performing their duties.

32. SUBSTANCE ABUSE POLICY / DRUG AND ALCOHOL TESTING

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

(A) PROHIBITION OF USE FOR ALL EMPLOYEES:

Employees of the City of Rogers shall not use habit-forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician. Prescribed medications cannot be used in contravention of the physician's orders. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase, or presence of drugs, alcohol or drug paraphernalia on City property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination, as allowed by federal, state, and local laws.

FITNESS FOR DUTY:

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

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

An employee has a duty to report any arrest under a criminal drug or alcohol statute to the Human Resources department, when the arrest is the result of behavior that is related to the duties of the employee's position (i.e., driving, law enforcement, public or worksite safety) or the public's trust held by the employee. A report of an arrest shall be made by the employee to the Human Resources department within five (5) calendar days after the arrest. Failure to report an arrest within the five (5) calendar day period may result in disciplinary action, including immediate termination.

To educate employees on the danger of drug abuse, the City has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the City's policy regarding drugs, the availability of counseling, and the City's employee assistance program will be discussed. Confidential employee assistance regarding drug abuse (or other personal problems) is available through the City provided counseling and referral service. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination, as allowed by federal, state, and local law. At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

(B) TESTING REQUIRED BY FEDERAL LAW:

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

(C) TESTING OF SAFETY AND/OR SECURITY SENSITIVE POSITIONS:

This City policy also provides for pre-employment, reasonable suspicion, post-accident, and random drug and alcohol testing of employees who hold *Safety and/or Security Sensitive* positions which otherwise are not covered by the controlled substance screening requirements of OTETA. Applicants and incumbent employees within safety and/or security sensitive positions may be excluded from employment on the basis of a positive drug test.

A safety-sensitive position is 1) any position that involves a safety sensitive function pursuant to any federal or state agency's rules, guidelines, or regulations; or, 2) any position in which a momentary lapse of attention may result in a threat to health or safety, and/or a grave and immediate danger to the public.

A security-sensitive position is any position working with confidential financial or employee information, or documents pertaining to criminal investigations or emergency medical treatment.

NOTIFICATION OF PRESCRIBED MEDICATION:

Employees in positions considered Safety and/or Security Sensitive are required to disclose to their Department Director or Chief the use of any prescribed medication, including marijuana, which has the potential to impact the employee's ability to perform the duties of their position.

The City of Rogers considers the following positions to be Safety and/or Security Sensitive:

Safety-Sensitive:

1. Law Enforcement officers, police dispatchers, and transport officers with direct prisoner contact.
2. Motor vehicle operators who routinely carry passengers, ambulance drivers, and drivers hired to transport other City employees.
3. Fire department employees who directly participate in fire-fighting activities or training.
4. Medical personnel with direct patient care responsibilities including Paramedics, Emergency Medical Technicians, and/or trainees working under the supervision of the Fire Department.
5. Mechanics, welders, and vehicle repair employees who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans, or public safety equipment.
6. Operators of heavy equipment, including, but not limited to, front-end loaders, dump trucks, tractors, riding lawn mowers, or other similar equipment where the equipment is used around individuals, alongside the public right of way, or on public roads and trails.
7. Employees assigned to work inside an *Airport Operations Area* used for landing, taking off, or surface maneuvering of aircraft, including ramps, aprons, runways and taxiways.
8. Lifeguards, aquatic attraction monitors, or other poolside attendants even if seasonally employed.

Security-Sensitive:

1. Any police department employee having access to information concerning ongoing criminal investigations and criminal cases, where the information could, if revealed, compromise, hinder, or prejudice the investigation or prosecution of a case.
2. Any employee engaged in work related to criminal prosecution at the Rogers District Court, including Court Clerks, Legal Assistants, and Prosecuting Attorneys.
3. Any employees of the Fire department involved in the reporting of patient care, insurance claim filings/reimbursements, or the collection of patient data.
4. Positions requiring ACIC certification; Finance, Human Resource, and IT employees.

33. USE OF TECHNOLOGY

Purpose

The intent of the Technology Usage Policy is to define the acceptable use of technology at the City of Rogers and to ensure that the City complies with all legally mandated requirements. It outlines the responsibilities of those who work for and on behalf of the City in contributing to the maintenance and protection of its information resources in a secure, stable and cost-effective manner. This policy is consistent with the intent and requirements of the City's work policies and rules.

The City's Information Technology department maintains separate written policies for employees having diverse needs in IT resources (i.e. law enforcement files, remote access, credit card data). Additional signed certifications may be required for those employees in positions requiring supplemental resources.

Policy Scope

The City of Rogers Technology Usage Policy defines the oversight, use and protection of the City's computing equipment, network, voice, electronic communications and data repositories. This includes the acquisition, access and use of all software, hardware and shared resources, whether connected to the network, configured off the network, or mobile. It applies to all those who work on behalf of the City of Rogers including, but not limited to, elected or appointed officials, employees, contractors, consultants, temporaries, volunteers and other workers covered under the employment policy of the City. This policy also applies to all equipment that is owned or leased by the City regardless of project and program funding sources.

Acquisition of Technology Resources

The IT Department must evaluate and approve all software, hardware, removable devices and related maintenance and support contracts, whether the selected products or solution will be on the network or off; used by one or many people; and for all program and project funding sources. In addition, acquisition of technology resources should conform to existing purchasing policies and procedures.

Social Media platforms used in representation of official City business may only be created and administered with the consent of the Mayor (or designee).

Access to the City's Technology Resources

- Human Resources must approve the setup of new user accounts.
- Users are responsible to establish and maintain passwords consistent with the City's standards. Users will be required to change their password every 90 days.
- User accounts and ALL passwords may not be shared with anyone other than the named owner and the IT Department. Examples include co-workers, subordinates, business associates, household members, etc.
- The individual logged onto the City network must be present while the logon credentials are being used to access Network resources, or must ensure that the account is locked or logged off and not being used by others when not present.

- Access to specific network applications or shared data must be approved by the employee's supervisor or department head.
- The IT Department must approve connection of all devices using the City's infrastructure (i.e. Internet, network, wireless channels and telephone lines).
- The IT Department must approve installation of all software, including shareware, freeware, and software that are obtained for evaluation purposes.
- Direct peer-to-peer connections and modems are provided only in unique circumstances, requiring prior approval from the IT Department.
- Connection or installation of personally-owned hardware or software with the City-provided infrastructure (i.e. network, Internet, fax lines, telephone lines, and other computers) is not allowed.
- All activity resulting from device, network or software application access is the responsibility of the person assigned the user account.

The City's no-tolerance policy against unlawful harassment applies fully to the use of electronic communications, and any violation of that policy is grounds for discipline up to and including discharge. Therefore, no message should be created, sent, stored, or received that contains intimidating, hostile, or offensive material concerning race, color, religion, sex, national origin, age, disability, veteran status, or genetics; or any classification protected by law.

Internet and Intranet Usage

- Use of the Internet should be consistent with City policies and work rules. Incidental personal use of City resources is allowed as defined in the paragraph Incidental Personal Use. Visiting, referencing, downloading and/or storing materials that are inappropriate in a work environment is prohibited unless such activity is specifically related to your job. Examples include but are not limited to data from sexually explicit sites, and those associated with violence, hate crimes or illegal activities.
- All information that is posted, copied or shared, either on the City's Intranet, servers and desktops or on the City's Internet or Social Media sites, must be done so in accordance with the laws that govern copyrighted materials including, but not limited to, photographs, magazines, books, copyrighted music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of "pirated" software.
- Web usage that significantly impacts network bandwidth may be restricted. Individuals should utilize only the City's tools (such as the City-standard browser) and recommended best practices to manage their connections when viewing, downloading, sharing and printing information to ensure that these shared resources are not negatively impacted.

E-mail Communications

- The City provides access to and support of its own e-mail system and web-related components. Use of any other e-mail system to conduct City-related correspondence is not advised, due to public record laws.
- E-mail communications will conform to the same professional standards as with

written and verbal business correspondence. A professional tone should prevail and content will be consistent with and representative of the City's policies and practices.

- Any attempt to misrepresent one's identity via e-mail is prohibited.
- E-mail is considered part of the public record and is subject to disclosure under Arkansas state law, specifically the Freedom of Information Act (FOIA). Managing individual e-mail storage and retention is the responsibility of each individual, consistent with the City's document and records-retention guidelines. Effort should be made to restrict unnecessary e-mail traffic, including minimizing the size of attachment files; and using network drives instead of large distribution lists to share file attachments with large groups.
- The citywide e-mail distribution list should be used for critical and time-sensitive City business information only and is restricted to authorized individuals.

Privacy and Monitoring

There is no right to privacy in the course of using the City's technology resources, whether conducting City business or for incidental personal use. We may deploy software systems that monitor your computer usage and website traffic. The City owns all data stored on its network and peripheral devices and reserves the right to inspect and monitor any and all such use at any time (examples include e-mail, voice-mail, Internet logs, computers, laptops, handhelds, etc.). The City may conduct requested audits in order to ensure compliance with its policies and requirements, to respond to public disclosure requests, investigate suspicious activities or security threats, or to fulfill legally mandated requirements (i.e. software license rules, Payment Card Industry (PCI) regulations, and the Health Insurance Portability and Accountability Act (HIPAA) requirements).

Incidental Personal Use

The City's technology resources including phone, e-mail and Internet web browser are City property and intended for use to conduct City business by its authorized employees, contractors, consultants, temporaries, volunteers and other workers including all personnel affiliated with third parties; hereafter referred to as the user. Limited personal use is permitted as long as it does not result in a cost to the City, does not interfere with the responsibilities and fulfillment of job duties, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software. As noted previously, there is no right to privacy in the course of using the City's technology resources, whether for City business or incidental personal use.

Security, Storage and Protection

Effective security requires the participation and support of every user in the organization. The City employs enterprise tools to manage, monitor and protect the organization from internal and external security threats and data loss. In addition to these measures, it is the responsibility of individuals to remain vigilant in their awareness and protection of the City's resources, including equipment and data they have access to and while in their possession. Specific due diligence requirements are outlined below:

- City devices and computer equipment must be logged out or “locked” when unattended.
- All users must log off of their pc and leave it powered on at the end of their shift to enable after-hours maintenance and security updates.
- Intruding or attempting to intrude into any gap in system or network security is prohibited.
- Sharing of information with others that facilitates their unauthorized access to the City’s data, network or devices, or their exploitation of a security gap is also prohibited.
- It is the responsibility of each individual to prevent unauthorized and indiscriminate access to personal information that could pose the threat of identity theft, thus risking a person’s privacy, financial security and other interests.
- In general it is not permissible to download personal information to any removable/portable device, including laptop computers, unless access to that information is within the scope of your job, your manager has approved the copy of information to a portable device and the data or device is encrypted.
- Transmitting confidential data in part or full via e-mail or other unencrypted medium is prohibited.
- Leaving personal, sensitive or confidential information exposed to view while unattended, either on paper or on screen, is prohibited.
- Whenever possible, laptop and desktop hard drives and removable devices should only contain copies of source files, not the original file.
- Individuals must report to the City any equipment, software or data that is lost, damaged or stolen immediately.
- Storage of any copyrighted material on a network server or local hard drive including, but not limited to, photographs from magazines, books or other copyrighted sources, copyrighted music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of “pirated” software is strictly prohibited.
- Employees should use caution when storing personal files on the City’s equipment or network. Upon termination of employment, access to these files may be prohibited.

Reporting and Administration

Anyone who observes or suspects a violation of these policies and requirements, or a potential gap in security or protection of the City’s assets or data, should immediately report these to their department supervisor, manager, director, or to the HR Department. Violations may result in disciplinary action up to and including termination of employment. Requests for exceptions to any of the Technology Usage Policy definitions must be submitted in writing from department directors to the Information Technology Department. Exceptions require the approval of both the requesting department’s Director and the IT Director. Approvals must be documented in writing and limited in duration to provide for periodic re-evaluation.

TO BE SIGNED AND FILED WITH EMPLOYEE FILE

EMPLOYEE ACKNOWLEDGEMENT OF EMPLOYEE POLICY MANUAL

I hereby acknowledge that I have received a copy of the CITY OF ROGERS Employee Policy Manual, which includes the Substance Abuse Policy. I understand the contents of the Manual and have discussed with my supervisor or other members of management any portions which need additional explanation.

I hereby explicitly acknowledge that I have read and understand the Rules of Conduct Section 6 contained on page 7 of this manual:

Initial: _____

I agree to conform to the CITY OF ROGERS rules, regulations, practices, policies, and procedures, whether contained in the Manual or not. I understand that my employment with the CITY OF ROGERS is “at will,” which means that it can be terminated by the CITY OF ROGERS or me at any time, with or without notice, and with or without cause. I understand that no representative of the CITY OF ROGERS, other than the Mayor or City Council, in writing, has any authority to enter into any agreement for employment for any specified period of time, terms, or conditions. I understand that completion of any probationary period does not change any status as an at will employee.

I understand that this Manual contains general information concerning some policies of the CITY OF ROGERS, that the policies stated in this Guide or elsewhere are not contractual, and that the CITY OF ROGERS reserves the right to vary from, revise, supplement, or rescind any portions of this Guide or other policies as it, in its sole and absolute discretion, deems appropriate. I understand that any such variations and changes may be general in nature or with respect to specific circumstances.

Employee Signature

Date

Printed Name