

ORDINANCE NO. 234

AN ORDINANCE ADOPTING AND APPROVING THE
CITY OF BARLING PERSONNEL POLICY

WHEREAS, at the present time the City of Barling does not have a single, comprehensive personnel policy;

WHEREAS, the Board of Directors of the City of Barling desire to make and pass an effective method of dealing with various personnel matters;

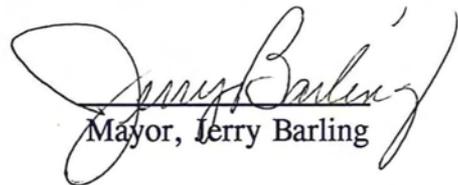
WHEREAS, it is the stated and express purpose of the City of Barling to remain an "Employment at-Will" employer;

BE IT HEREBY ORDAINED by the Board of Directors of the City of Barling, Arkansas:

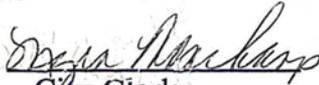
Section 1. the City of Barling Personnel manual dated August 18, 1994 shall be and is hereby adopted and approved as the official City of Barling Personnel Policy.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed and, specifically, Ordinance No. 151, insofar as it conflicts with this ordinance, is specifically repealed.

PASSED AND APPROVED, this 23 day of August, 1994.


Mayor, Jerry Barling

Attest:

By: 
City Clerk

PERSONNEL POLICY FOR EMPLOYEES OF THE
CITY OF BARLING, ARKANSAS, AUGUST 18, 1994.
ORGANIZATION OF PERSONNEL SYSTEM

ARTICLE I

Section I-1 Purpose

It is the purpose of this Policy to establish a personnel system under the direction of the City Administrator by which all matters relating to personnel shall be administered. It is the intent of the City Board to establish an equitable and uniform system of personnel administration, to place municipal employment on a merit basis to the end that only the best qualified persons available shall be employed by the City. This policy shall serve to govern administrative action concerning all personnel activities and transactions consistent with the following general standards:

- (1) Employment shall be based on merit without regard to race, sex, color, national origin, religion, age, marital or veteran status, political affiliation, or other legally protected status. Any applicants with a physical or mental impairment that limits a major life activity shall be given equal consideration with other applicants for positions in which their impairment does not represent an unreasonable barrier to the performance of the essential functions of the position applied for.
- (2) Conditions of employment shall be maintained to promote efficiency and economy in the operation of the City government.
- (3) Position classification and compensation plans shall be maintained and revised from time to time to meet changing conditions.
- (4) New hires and promotions shall be made solely on the basis of qualifications, merit and fitness, demonstrated by experience, education, job performance and/or other evidence of competence.
- (5) Continued employment shall be subject to continued satisfactory performance of work, personal conduct compatible with the trust inherent in public service, and availability of operating funds.

Section I-2 Applicability

The provisions of this policy shall be applicable to all uniformed and nonuniformed employees except those provided as follows:

- (1) Elected officials and officials appointed by the City Board to advisory or special boards and commissions shall be exempt from the provisions of this policy.

- (2) The City Administrator shall be exempt from those sections governing the hiring and termination of employees.
- (3) Certain sections where exceptions are noted for uniformed employees including, but not limited to, vacation, holidays, and sick leave, recognizing that Arkansas statutes may govern those personnel matters.

Section I-3 Responsibility of City Administrator

The City Administrator shall be responsible for the administration of Personnel Policy which shall apply to all employees except those specifically exempt by Section I-2. The City Administrator may promulgate personnel operating policy and procedures governing the City departments. Operating policy so made and promulgated by the City Administrator shall be binding on all persons affected thereby; provided, that no such operating policy shall be contrary to any provision of the City Board adopted personnel policy, applicable federal or state law, or other ordinances or resolutions of the City Board.

Section I-4 Policy Statement

The Personnel Policy and the employee handbook of the City outline the general policies of personnel administration, and are not intended to constitute an expressed or implied contract between the City and the employees.

ARTICLE II **POSITION CLASSIFICATION PLAN**

Section II-1 Coverage

Once adopted, the "Position Classification Plan of the City of Barling" shall be the job classification plan of the City. This classification plan shall include all approved classes of positions in the City employment unless otherwise exempted by the City Board.

Section II-2 Administration of the Classification Plan

The City Administrator or his/her designee, shall be responsible for the administration and maintenance of the Position Classification Plan. Department Heads shall be responsible for bringing to the attention of the City Administrator...

- (1) the need for new positions, and
- (2) any material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing position.

Following the receipt of such information concerning any proposed or existing position, the City Administrator, or his/her designee, shall then conduct a job evaluation if the

classification of the position should be changed or a new position created.

When the City Administrator has determined that sufficient change has occurred in the nature and level of duties and responsibilities of an existing position or that a new position is required, the City Administrator shall:

- (1) Revise the existing position description in conjunction with the Department Head or prepare a new position description, and properly classify or reclassify the position within the existing classification plan. Authority to evaluate positions and determine the proper job/pay grade and responsibilities is vested in the City Administrator. The City Administrator shall report the job title and pay grade of each new or reevaluated position to the Board of Directors for their information at the first Board of Directors meeting following the effective date of the evaluation.
- (2) If a new or revised position is required which increases the authorized salary budget or headcount, inform the City Board of Directors of the need to include the position. The Board of Directors will consider the recommendations of the City Administrator in determining the need for such new or revised positions. Authority to approve a position under these circumstances is vested with the Board of Directors.

ARTICLE III SALARY PLAN

Section III-1 Coverage

Once adopted, the "Schedule of Salary Ranges" shall be the pay plan for the City. The plan shall include all positions included in the classification plan.

Section III-2 Payroll Deductions

Many payroll deductions are required by law. Other payroll deductions are allowable for the purpose of facilitating employee contributions for certain specified purposes. An employee may authorize deductions from his pay check for pension plan contribution, group insurance, credit union, deferred compensation, and United Fund. Authority to allow any other payroll deductions is vested in the City Board. In considering whether or not to allow any other deductions, the following criteria, individually and collectively, shall be considered:

- 1). Would the deduction benefit the entire Barling community?
- 2). Would the deduction be in the nature of a fringe benefit of which the City would bear a portion of the cost?
- 3). Would the deduction be available to all City employees and not just a special group of City employees?

- 4). Would the deduction benefit individual employees and not just some organization to which they may belong?
- 5). Would the deduction have the interest of a sufficient number of employees that it would be representative of all the departments of the City?

In determining whether or not to grant payroll deductions, the City Board shall consider any one, a combination of, or all of the above factors.

Section III-3 Severance Pay

Any full-time employee who is terminated from City employment due to reduction in force, shall be entitled to a two (2) week severance pay benefit. Reduction in force shall be defined as any full-time position deleted from the City budget due to a reduction of the City services, elimination of City services or insufficient funds.

ARTICLE IV **NEW HIRES, PROMOTIONS, DISMISSALS, DEMOTIONS, SUSPENSIONS**

Section IV-1 Applicability

The provisions of this Article shall be applicable to all employees except those exempted in Section I-2.

Section IV-2 Affirmative Action

The City Administrator shall be responsible for the promulgation and update of the City of Barling's Equal Employment Opportunity/Affirmative Action Plan. Such plan is subject to City Board review and approval shall constitute the City's Official Affirmative Action Plan.

Section IV-3 Job Advertisements

The City Administrator or his/her designee shall publicize vacancies to be filled in order to encourage qualified persons to apply for employment. City employees shall be notified by bulletin board notices of employment opportunities that exist.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters based on race, sex, color, national origin, religion, age, marital or veteran status, political affiliation, physical or mental impairment that limits a major life activity, or other legally protected status.

Section IV-4

Qualification Standards

Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude, ability to meet the public, and physical condition as may be established by the City Administrator with the advice and recommendations of the Department Head.

Any applicant who shall knowingly make any material false statement concerning his/her application for employment or promotion to a position in City employment shall thereby forfeit his/her right to be considered for or occupy such position.

Section IV-5

Hiring Practice

City employment shall be on the basis of merit including such factors as abilities, capacity, aptitude and experience without regard to race, sex, color, national origin, religion, age, marital or veteran status, political affiliation, or other legally protected status. Applicants with a physical or mental impairment that limits a major life activity shall be given equal consideration with other applicants for positions in which their impairment does not represent an unreasonable barrier to the performance of the essential functions of the position. Applications and applicants for nonuniformed positions will be processed by the Arkansas Employment Securities Division, Fort Smith, AR. The screening process shall include but not necessarily be limited to examinations, qualifications analysis, oral interviews, previous employment history, character references, motor vehicle traffic records and criminal history and/or non-conviction data where applicable.

The City Administrator's staff will be hired by the City Administrator. Department Heads will be hired by the Board of Directors based upon recommendation from the City Administrator. ~~Police Officers and Firefighters will apply for and be hired according to separate departmental personnel policies approved by the City Administrator and Board of Directors.~~ Other employees will be hired by the Department Head supervising the employee, subject to the approval of the City Administrator.

Section IV-6

Employment of Relatives

~~The employment of relatives in the same division of a department is prohibited; and in no case shall an employee supervise another member of his immediate family. Immediate family is defined as spouse, children, mother, father, sister, brother, guardian, grandparents, grandchildren, aunt, uncle, nephew, niece, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.~~

~~This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with paragraph above prior to the adoption of this policy.~~

A person may not be employed by the City pursuant to State law if related by blood or marriage in the third degree to a member of the Board of Directors or the City Administrator.

Section IV-7 Probationary Period

1). Original Probationary Period

Any employee hired in a position in City employment shall serve a probationary period of one (1) year. The probation period shall be regarded as an important part of the examination process, and shall be utilized for closely observing the employee's work. A probationary employee may be dismissed without privilege of appeal at any time during the probationary period if the hiring Department Head, with the approval of City Administrator, determines that the employee is incapable of performing assigned duties in a satisfactory manner. Job performance appraisals shall be completed on all probationary employees at the end of six (6) months and twelve (12) months of service. The employee's Department Director shall indicate to the City Administrator by these appraisals:

- (a) that the employee's accomplishments, failures, strengths and weaknesses have been discussed with the employee;
- (b) whether or not the employee is performing satisfactory work; and,
- (c) whether or not the employee should be retained in the position.

2). Promotional Probationary Period

Any employee promoted to a higher position shall serve a trial period of six (6) months. Before the end of this six month period, the employee's Department Head shall indicate to the City Administrator, in writing the following:

- (a) whether or not the employee is performing satisfactorily; and,
- (b) whether or not the employee should be retained in the position or be reinstated in his/her formerly held position or a similar position having the same grade. Reinstatement to a former class during a trial work period shall not be construed as a demotion.

Section IV-8 Promotions

Promotions in City employment shall be made solely on the basis of merit, including such factors as abilities, capacity, aptitude and experience without regard to race, sex, color, national origin, religion, age, marital or veteran status, political affiliation, physical or mental impairment that limits a major life activity, or other legally protected status. The Department

Head shall be responsible for administering all screening and/or other procedures to those employees who desire to compete for the position and who meet the qualification standards for the position. Based on the results of screening procedures, the Department Head shall recommend the promotion of the most qualified applicant. Promotions must be approved by the City Administrator.

Section IV-9 Suspension, Demotion, Dismissal

All employees of the City of Barling are at-will employees who serve at the pleasure of the City and may therefore be discharged at any time, without the necessity of a reason. Employees shall not have any expectancy that their employment shall be continued except at the pleasure of the City. Notwithstanding the foregoing, the City desires to establish various reasons for which disciplinary action may be imposed. Suspension, demotion, or dismissal of Department Heads will be done by the Board of Directors upon the recommendation of the City Administrator. An employee may be suspended, demoted or dismissed due to failure in performance of duties or failure in personal conduct. These actions shall be taken by the Employee's Department Head. Written notice of action must be made by the Department Head to the City Administrator within five (5) working days of action. In order to avoid undue disruption of work or to protect the safety of persons or property, the Department Head may immediately suspend any employee for a period of time not to exceed two (2) working days while final action is pending.

1). Failure in Performance of Duties

- (a) An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor and Department Head in what way the work is deficient, and what must be done if work performance is to be judged satisfactory. An employee who is suspended, or dismissed for unsatisfactory performance of duties should normally have received three (3) warnings. First, an oral warning from the employee's immediate supervisor; second, an oral warning with a follow-up letter to the employee from his/her supervisor and Department Head which sets forth the points covered in their discussion; and third, a written warning from the Department Head serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid disciplinary action up to and including dismissal. The supervisor must record the dates of the discussions with the employee, the performance deficiencies discussed and the corrective actions required.

- (b) The following causes relating to failure in the performance of duties are representative, but not limited to, those considered to be adequate grounds for disciplinary action.

1. Inefficiency, negligence or incompetency in the performance of duties.
2. Careless, negligent or improper use of City property or equipment.
3. Discourteous treatment of the public or other employees.
4. Absence without approved leave.
5. Improper use of leave privileges.
6. Habitual pattern of failure to report for duty at the assigned time and place.
7. Improper political activity as defined in Section VII-3.

2). Failure in Personal Conduct

- (a) An employee may be suspended, or subject to other discipline without warning notice for causes relating to personal conduct detrimental to City services.
- (b) The following causes relating to failure in personal conduct are representative, but not limited to, those considered to be adequate grounds for suspension or dismissal:
 1. Fraud in securing employment.
 2. Insubordination.
 3. Conviction of a felony, or the entry of a plea of nolo contendere to such crime.
 4. Misuse of City funds.
 5. Falsification of City records.
 6. Use of alcohol, controlled substance or non-prescription mind altering drugs while on duty or which inhibits the performance of tasks.
 7. Sexual harassment.

8. Failure to follow chain of command unless special conditions or emergency conditions dictate otherwise.
- 3). Dismissal -- Discharge for cause must be approved by the Department Head. An employee who is to be dismissed for disciplinary reasons shall be relieved immediately of all duties and responsibilities. The recommendation by the City Administrator for dismissal of Department Heads will be forwarded to the Board of Directors. Dismissal of Department Heads must be approved by the Board of Directors.
- 4). Disciplinary Suspension -- An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities. An employee shall receive no compensation for the period of his suspension. The recommendation by the City Administrator for suspension of Department Heads will be forwarded to the Board of Directors. Suspension of Department heads must be approved by the Board of Directors.
- 5). Notification -- When an employee is suspended, demoted or dismissed, the employee's Department Head shall immediately provide the employee with written notice of the action taken, the effective date, and the reasons for the recommendation. Written notice of the recommendation for dismissal or suspension of a Department Head will be provided to the Department Head prior to action taken by the Board of Directors.

Section IV-10

Reduction in Force

In the event that a reduction in force becomes necessary, consideration will be given to the quality of each employee's past performance and the needs of the organization as well as seniority in determining those employees to be retained.

Section IV-11

Transfer

Any employee who has successfully completed a probationary period may be transferred to the same or similar position in a different division without serving another probationary period. An employee desiring to be transferred should make the request via his/her supervisor to the receiving Department Head and to the City Administrator.

As vacancies occur in other departments to which an employee would be eligible for transfer, that employee's name shall be submitted to the various Department Heads for consideration. If a Department Head wishes to hire that employee, the employee must request a transfer to that specific department and have it approved by the City Administrator.

Section IV-12

Disability

An employee may be separated for disability when the employee cannot perform the

required duties because of a physical or mental impairment, subject to any applicable state or federal law. Action may be initiated by the employee or the City, but in all cases it shall be supported by medical evidence as certified by a competent physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, an effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

Section IV-13 Exit Procedure

The City Administrator shall be responsible for ensuring all authorized payroll deductions owed to the City by a terminating employee are collected and that all compensation due a terminating employee is paid that employee. In addition, prior to receiving their final pay, all terminating employees will be interviewed by the City Administrator to determine that all matters pertaining to the employee have been settled.

The employee's supervisor and Department Head are responsible for the return of all City issued items included but not limited to clothing, keys, tools and equipment.

ARTICLE V **GRIEVANCE PROCEDURE**

Section V-1 Applicability

The provisions of this Article shall apply to all employees except and those exempted in Section I-2 (1) and (2)

Section V-2 Purpose

The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable in the interest of sound employee/employer relations. The purpose of this regulation is to assure that employees are able to receive prompt, fair and considerate review of problems. It is expected that the procedures set forth will encourage employees to discuss with their supervisors matters pertaining to conditions of employment. Any disagreement must be considered objectively and in an atmosphere of mutual assistance. This grievance procedure shall not be construed as imposing contractual requirements upon the City or as the City conferring a property right upon the employee. The City shall remain an "Employment at Will" employer.

Section V-3 Definition

A grievance is a criticism, view or feeling that insufficient consideration or unfair treatment has been given to an individual pertaining to employment conditions, to relationships between an employee and his/her supervisor or to relationships between an employee and other employees.

Issues related to work performance must be dealt with pursuant to the applicable paragraph(s) in Section IV and are not subject to Article V, "Grievance Procedures."

Section V-4 Policy

It is the policy of the City to provide a procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors. Administrative and supervisory personnel are expected to act promptly and objectively within the framework of this policy.

Section V-5 Procedure

- 1). An employee must register his/her complaint with the immediate supervisor. The supervisor shall have three (3) working days in which to provide an answer to the employee.
- 2). If the issue is not settled with the employee's immediate supervisor, the employee may request the supervisor to arrange a meeting with the Department Head. The Department Head shall hear the grievance and render a written decision within five (5) working days.
- 3). If previously outlined steps have not resolved the grievance, the employee can request in writing, that an appointment for discussion be made with the City Administrator. The City Administrator shall reply in writing within ten (10) days and any decision rendered may be appealed to the Board of Directors.

Section V-6 Rights to be Respected

The rights of the employee with respect to grievances as set forth above shall be protected by the City Administrator and by Department Head and supervisor involved.

Section V-7 Discrimination Complaints

Any employee who believes he or she is being unlawfully discriminated against should discuss the matter with their supervisor without delay. If the problem is not immediately resolved by Department Management, the employee may contact the City Administrator for assistance in the matter.

The supervisor and Department Head involved with any problem relating to discrimination must immediately make a written report to the City Administrator stating the type of problem, all related facts and how the problem is to be/or was resolved.

ARTICLE VI

CONDITIONS OF EMPLOYMENT

Section VI-1 Applicability

All employees except those exempted by Section I-2 (1), (2) and (3).

Section VI-2 Hours of Work

The normal business hours of work of employees shall be determined by the City Administrator from time to time.

Section VI-3 Overtime Compensation

The Department Head acting within the budget, shall be empowered to authorize overtime work as conditions require.

Compensation for work performed by non-exempt paid employees in excess of normal working hours may fall in one of two categories. These categories are designated as:

- overtime pay
- compensatory time.

Individual employees performing overtime work must be authorized to do so by their supervisor and approved by the Department Head.

Overtime Pay: Non-exempt employees who are paid overtime will receive time and one-half for all actual hours worked in excess of their regular forty (40) hour work period. Exempt employees do not receive overtime compensation.

Compensatory Time:

Compensatory time may be granted non-exempt employees only in lieu of overtime pay with the approval of the Department Head. Compensatory Time in lieu of overtime payment shall be governed by the United States Fair Labor Standards Act. (FLSA).

Exempt positions (which include professional, executive and administrative classifications, as defined by the FLSA) are not entitled to overtime pay. Employees in these positions, as a part of the job, are expected to work the hours necessary to assure satisfactory results. If unusual circumstances dictate that an exempt employee has to work an abnormally large number of hours, then the employee may apply for informal time off at a time which is convenient to the department. It should be understood, however, that informal time off is not a right for which an employee may make a demand. It is simply a privilege that may be extended at the sole

discretion and convenience of the City. Under normal circumstances, informal time off for exempt employees shall not be granted on an hour-for-hour basis. Instead, it shall normally be granted on a lesser basis that is convenient to the City.

In no case shall an exempt employee be entitled to receive payment for accumulated time worked over 40 hours per week.

Section VI-4

Vacation Leave

- (1) A uniformed employees' vacation leave is governed by Arkansas statute. A non-uniformed employee shall not be entitled to vacation leave unless twelve (12) months of service has been completed.
- (2) All full-time nonuniformed City employees who have been employed by the City for one (1) year shall be entitled to ten (10) days vacation leave with pay.
 - a) Vacation leave for the first five years of employment will be earned at a rate of 6.67 hours per month for nonexempt employees or 5/6 day per month for exempt employees, for a total of ten (10) days.
- (3) All full-time nonuniformed City employees who have completed five (5) years of employment with the City for shall be entitled to fifteen (15) days annual vacation leave with pay beginning their sixth (6th) year.
 - a) On the fifth (5th) anniversary of employment, nonuniformed employees will begin earning vacation leave at a rate of 10 hours per month for nonexempt employees or 1.25 days per month for exempt employees, for a total of fifteen (15) days.
- (4) All full-time nonuniformed City employees who have been completed fifteen (15) years of employment with the City shall be entitled to twenty (20) days annual vacation leave with pay beginning their sixteenth (16th) year.
 - a) On the fifteenth (15th) anniversary of employment, nonuniformed employees will begin earning vacation leave at a rate of 13.3 hours per month for nonexempt employees or 1 2/3 days per month for exempt employees, for a total of twenty (20) days.
- (5) A nonuniformed employee shall not take more than two (2) consecutive weeks of his or her vacation at any one time except by approval of the Department Head.
- (6) Each nonuniformed employee must take a minimum of ten (10) days vacation in a given calendar year and all earned vacation must be taken within twelve (12)

months of being accrued. No carryover of vacation is permitted.

- (7) Vacation shall not accrue to any employee hired as a temporary or part-time.
 - (a) Department Heads will be responsible for scheduling vacation leave within their division.
 - (b) Department Heads may grant the use of not more than five (5) days of leave without pay to employees.
- (8) Employees accumulating vacation leave under personnel policies existing prior to passage of Resolution 93-6 will have rights attached to those accumulations governed by the policies in effect prior to December 28, 1993. Appendix 1 attached contains a list of vacation leave accumulations for each affected employee as of December 28, 1994. All future vacation leave accumulations will be governed by policies adopted by the Board of Directors Board Adopted Personnel Policy, provisions of which are contained in section VI-5.

Section VI-5

Sick Leave

Uniformed employees' sick leave is governed by Arkansas statutes. All full-time nonuniformed employees shall be entitled to the following sick leave benefits:

- 1). Paid sick leave shall be accrued for employees of the City at the rate of one (1) day for each full calendar month of service. Accrual will begin after six (6) months of service with a maximum limit to the number of days that may be accrued of thirty (30) days. Sick leave beyond thirty (30) days will be unpaid sick leave. Sick leave may not be taken during the first six (6) months of employment. Sick leave may be granted full-time employees of the City for three (3) consecutive days without a physician's certificate. However, the Department Head shall have the right to request a physician's certificate after one (1) day of sick leave if this action serves the best interest of the City. Sick leave in excess of three (3) consecutive days will be granted full-time employees of the City when a physician's certification is furnished showing the employee is too ill to perform his regular duties.
- 2). Sick leave under this section is hereby defined to mean absence of an employee from duty because of:
 - (a) Personal illness, including sickness arising from pregnancy.
 - (b) Exposure to contagious disease resulting in the quarantine of the employee.

- (c) Required doctor or dental appointments that cannot be scheduled other than during the regular work day.
 - (d) Illness of a member of the immediate family. Immediate family is defined as a spouse or children of the employee living in the household of the employee.
- 3). Sick leave benefits shall be paid at a rate equivalent to that payable if the employee were present at work up to the maximum thirty (30) day accumulation.
 - 4). The Department Head and City Administrator may review the circumstances of any extended sick leave that exceeds thirty (30) working days. After thirty (30) sick leave days are used by an employee, the City reserves the right to have a City appointed doctor to evaluate the condition of the employee to determine the likelihood of that employee returning to work.
 - 5). After sixty (60) sick leave days are used, the circumstances shall be reviewed by the City Administrator. If at that time there is no indication that the employee will be able to return to work, the City reserves the right to require the employee to file an application for disability.
 - 6). Sick leave retains no cash value upon retirement or termination of employment. There will be no payment for accrued sick leave upon retirement or termination of employment.
 - (a) Employees accumulating sick leave under personnel policies existing prior to passage of Resolution 93-6 will have rights attached to those accumulations governed by the policies in effect prior to December 28, 1993. Appendix 1 attached contains a list of sick leave accumulations for each affected employee as of December 28, 1993. All future sick leave accumulations will be governed by policies adopted by the Board of Directors Board Adopted Personnel Policy, provisions of which are contained in section VI-6.
 - (b) Employees who accrued sick leave under previous personnel policies exceeding the maximum accumulation of thirty (30) days, shall retain those days. Whenever the total of accrued time drops below the maximum accumulation, new accrued time shall be added, but not to exceed the thirty (30) day accumulation schedule.

Section VI-6

Funeral Leave

Employees may be allowed to use a maximum of three (3) calendar days for the purpose of attending or making arrangements for a funeral of a member of their immediate family.

Immediate family is defined as: spouse, child, mother, father, sister, brother, guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. Absence for funerals other than immediate family may be charged to accrued vacation or sick leave.

Section VI-7 On the Job Injury Leave

An employee who has qualified for workers compensation benefits as a direct result of an injury arising out of, and in the course of his employment with the City, shall be paid subject to the provisions hereinafter provided.

- 1). An employee shall receive full pay until his/her accumulated sick leave is exhausted, payable as follows:
 - (a) Each employee shall be paid an amount, which together with the weekly Worker's Compensation benefits to which he/she may be entitled, shall equal his/her regular base salary rate at the time of injury.
 - (b) The charge against the employee's accumulated sick leave shall be one day sick leave for each work day the employee is absent from work for the first seven (7) days after the date of injury. According to **Arkansas Worker Compensation Laws and Rules of the Commission**, worker compensation benefits to the injured employee shall not be allowed for the first seven (7) calendar days of disability resulting from injury, excluding the day of injury, unless a disability extends beyond that period. If the disability does extend beyond the seventh day, compensation shall commence on the eighth (8th) day from the date of disability. If a disability extends for a period of two (2) weeks, (14 calendar days), worker compensation benefits shall be retroactively allowed beginning the first day of disability, excluding the day of injury. The City debits pro rata sick time from the employee's sick leave accrual for each work day absent after an employee has missed seven (7) days due to an injury. This pro rata amount is that sick leave time necessary to make up the difference between Worker's Compensation Benefits and base pay.
- 2). Employees shall receive the equivalent of full base pay for the hours he/she would normally have worked until accumulated sick leave is exhausted as follows:
 - (a) Each employee shall be paid an amount of sick leave pay which together with the weekly Worker's Compensation benefits to which he/she may be entitled shall equal his/her regular weekly earnings at the time of the injury. In the event an employee is disabled beyond 14 days from the date of injury and receives a check from Worker's Compensation Commission for this time period, he/she may keep this check. However, this payment will become a part of his/her total earnings for that month.

His/Her future regular or sick leave paycheck will be reduced by the excess compensation received over an amount equal to base pay during the first seven days.

- 3). Procedure for injury cases is determined by the State of Arkansas Worker's Compensation Laws. In no case will any of the benefits contained herein be allowed or granted to an employee until an "Employee's Report of Injury" form has been completed and submitted to the Personnel Office. It shall be the employee's responsibility, or in case he/she is unable to report, the immediate supervisor's responsibility that an "Employee's Report of Injury" is filled out and turned into the Personnel Office. This report must be filled out immediately after an accident.

Section VI-9 Maternity Leave

Maternity leave may be taken as sick leave with pay and will be treated the same as any sick leave. After all accumulated sick leave has been used, accumulated vacation may be used; thereafter maternity leave without pay will be granted. The City guarantees the employee the right to reinstatement at the same, or similar position with no loss in seniority. Maternity leave shall be limited to sixty (60) calendar days. Should circumstances require maternity leave exceed sixty (60) calendar days, employee shall be required to submit a disability statement from the attending physician for employee or the baby.

Section VI-10 Holidays

- 1). All full-time nonuniformed employees shall be entitled to the following holidays for which they will be paid the regular rate of pay:
 - New Year's Day
 - President's Day
 - Memorial Day
 - Independence Day/July 4th
 - Labor Day
 - Veteran's Day
 - Thanksgiving Day
 - Friday following Thanksgiving
 - Christmas Day
 - Day at Christmas (to be determined by City Administrator)
 - Personal Holiday
- 2). Any holiday that falls on Saturday or Sunday shall be observed on the preceding Friday or the following Monday, as determined by the City Administrator.
- 3). An employee will not be paid for a holiday unless employee works his/her last

regularly scheduled shift immediately preceding and the first scheduled shift immediately following the holiday, or is on an Authorized Leave with Pay.

- 4). The Board of Directors may designate other holidays in addition to those listed previously.
- 5). All employees shall be subject to being scheduled to work holidays by the Department Head as the need may arise.

Section VI-11 Military Leave

An employee who is a member of an armed forces reserve organization or the National Guard shall be granted up to fifteen (15) days of military leave for required military training in a calendar year. If the employee's military pay is less than the pay normally earned by the employee, the City will pay the employee the difference in salary to prevent a loss in his/her usual pay for the period of military leave. The employee shall submit proof of Active Duty days and the amount of military pay to the City.

Section VI-12 Civil Leave

- 1). Any employee who receives a summons to jury duty or a subpoena from a state or federal court to appear as a witness shall be entitled to leave with pay for such duty.
- 2). Any employee who initiates court action, volunteers to appear as a witness, or is a defendant in a non-City related case will be excused from work for necessary court appearances. The employee shall not be entitled to civil leave for such time; however, leave without pay or vacation leave may be granted for this purpose.

Section VI-13 Family and Medical Leave Act of 1993.

- 1) The City will grant up to 12 weeks of family and medical leave during each calendar year to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in the policy.
- 2) In order to qualify to take family and medical leave under this policy, an employee must meet both of the following conditions.
 - (a) An employee must have been employed by the City for at least 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the

payroll for only a part of a week or if the employee is on leave during the week.

(b) An employee must have worked at least 1250 hours during the twelve month period immediately before the date when the leave would begin.

3) In order to qualify as FMLA leave under this policy, an employee must be taking leave for one of the reasons listed below.

(a) The birth of a child and/or the need to care for that child;

(b) The placement of a child for adoption or foster care;

(c) The care of a spouse, child or parent with a serious health condition; or a serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of his or her position.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. Examples of a serious condition include: heart attack or other serious heart condition, most cancers, strokes, pneumonia, and pregnancy or prenatal care. Generally a chronic or long term health condition is considered a serious health condition that, if left untreated, would result in a period of incapacity of more than three days.

The City Administrator may require an employee to provide a Doctor's certification of the serious health condition.

4) If an employee takes paid sick leave for a condition that is or progresses into a serious health condition, and the employee requests unpaid FMLA leave as provided under this policy, the City will designate all the related paid sick leave time taken as leave under this policy, to the extent that the preceding paid leave meets FMLA criteria.

Section VI-14

Leave Without Pay

1). Upon the recommendation of the Department Director and with the approval of the City Administrator employee may be granted a leave of absence without pay for a period not to exceed thirty (30) days for emergency reasons.

- 2). Failure of an employee to report for duty promptly at the expiration of the leave of absence shall be just cause for dismissal. If necessary to the efficient conduct of the business of the City, an employee on leave may be notified to return prior to the time of the expiration of the leave. Should he/she fail to return within a reasonable length of time without good cause, the employee may be treated as a voluntary termination and the position filled.

Section VI-15

Unexplained Absences

An employee is expected to promptly notify his/her supervisor in the event of an absence. Employees who are absent without approved leave and who do not notify their supervisor within a period of two (2) consecutive work days, shall be suspended. Resumption of their employment with the City will be contingent upon a reasonable explanation of the facts and circumstances of the unauthorized absence.

Section VI-16

Insurance Program

The City shall make a group health insurance program available for employees participation.

The City may make other group insurance plans available for its employees upon authorization of the City Board.

Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts, and the City shall participate in the cost of the programs in such manner as determined by the City Board.

Section VI-17

Employee-Employer Relations Policy

- 1). Productive and harmonious relationships between City employees and management can best be achieved with respect to working conditions if relationships and policies are clearly set forth. The following shall be considered the official policy of the City relating to employee-employer relations:
 - (a) The City does not recognize any employee organization as the sole spokesman for any category of employees.
 - (b) Employees will be afforded the right to present suggestions and make statements on any issue relating to conditions of work.
 - (c) Strikes and work stoppages by City employees will not be permitted. Instigation of, participation in, or giving leadership to a strike, slowdown or work stoppage shall constitute grounds for disciplinary action up to and including dismissal.

contribute funds for political or partisan purposes.

- (c) Solicit, or act as custodian of, funds for political or partisan purposes.
- (d) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit, or involve the City's name or symbols.
- (e) Use any supplies or equipment of the governmental unit for political purposes.

A member of City management, City employee, elected City official or any candidate for elected office may not require a City employee to engage in activities listed in the above items (a) through (e) either on the job or off the job.

- 2). Thirty (30) days before any primary run-off or a general election in which the employee has an opponent, an employee who becomes a candidate for the Arkansas General Assembly or for any national, state, county or municipal office in another city which is a paid position, shall take accumulated vacation or shall be placed on leave of absence without pay.
- 3). Any City employee who shall become a candidate for nomination or election to any City elective office shall immediately forfeit the employment held with the City.
- 4). Any City employee who is elected to a county, state-wide or national office may be placed on leave of absence without pay for up to two (2) years or may be terminated at the discretion of the City Administrator.
- 5). An employee elected to the Arkansas General Assembly must take leave of absence without pay when the General Assembly is in regular or extraordinary session.
- 6). Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action.

Section VII-4 Political Campaigns

Individuals seeking a City elective office shall not seek to contact and talk to employees for the purpose of promoting their candidacy while the employees are on duty for the City.

ARTICLE VIII

CODE OF ETHICS

Section VIII-1

Standard of Conduct for Barling City Officials and Employees

- 1). It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of Arkansas.
- 2). Every citizen shall receive a fair and impartial hearing on any matter coming before the City Board, its appointed agencies or any employee of the City. No public official or employee shall make any promise or pledge to any person concerning any matter to be heard before a public official or employee except upon fair, impartial and final hearing thereof.
- 3). The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public official or employee shall advocate in any public meeting or private discussion any matter in which he has a personal or financial interest except upon full and timely disclosure of the interest.
- 4). It is the obligation of every public official to faithfully discharge the duties of his office. In the conduct of public business, no public official shall be excused from voting except on matters involving consideration of his own official conduct, or where his financial interests are involved. Every public official shall make full and timely disclosure of any personal or financial interest which he has in any matter of public business to be transacted before him.
- 5). The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where such public official or employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee. No public official or employee shall seek personal or financial advantage by means of his public office, appointment or employment.
- 6). The use of public trust for private gain is in conflict with good government. No public official or employee shall violate the provisions of Arkansas Statutes. No public official or employee shall use confidential or advance information obtained by virtue of public office, appointment or employment for personal or financial advantage.

- 7). It is the obligation of every public official and employee to carry out the lawful orders and policies of the City Board. No public official or employee shall knowingly take any action inconsistent with the lawful orders or policies established by the City Board. No public official or employee shall knowingly take any action which would be detrimental to the best interests of the City.