

EMPLOYEE HANDBOOK



City of Conway

Personnel Policy

Amended 09/13/2016

Table of Contents

INTRODUCTORY STATEMENT.....	5
AMENDMENTS AND REVISIONS.....	5
DISTRIBUTION LIST	5
POLICY STATEMENT	5
COMPATIBILITY WITH OTHER RULES AND REGULATIONS	5
SEVERABILITY.....	6
FORM OF GOVERNMENT	6
Section 1: Employment Policies.....	7
EQUAL OPPORTUNITY EMPLOYER.....	8
AMERICANS WITH DISABILITIES ACT.....	8
EMPLOYMENT AT WILL	8
AUTHORITY TO HIRE AND FIRE	8
JOB POSTINGS AND ADVERTISING.....	8
DRIVER'S LICENSE AND DRIVING RECORD.....	9
IMMIGRATION AND NATURALIZATION SERVICE (INS) REQUIREMENTS.....	9
NEPOTISM.....	9
MEDICAL EXAMINATIONS	10
COMMERCIAL DRIVER'S LICENSE TESTING	11
DRUG-FREE WORK PLACE.....	11
SUBSTANCE ABUSE POLICY FOR CONFORMANCE WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF TRANSPORTATION, THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION 49 CFR, PARTS 40 AND 382	16
ACTIVE EMPLOYEE.....	25
CERTIFICATE OF AGREEMENT.....	25
EMPLOYEE RELATIONS / OPEN DOOR POLICY.....	26
PERSONNEL FILES	26
UPDATES.....	26
CITY PROPERTY.....	26
INSPECTION AND MONITORING	26
CITY VEHICLES.....	27
TRAVEL POLICY	27
INTERNET AND E-MAIL POLICY.....	30
CELLULAR TELEPHONE POLICY.....	32
TELEWORKING.....	34
PURCHASING POLICES AND PROCEDURES.....	35
Section II: Employment Benefits	39
VACATION BENEFITS	40
INFORMATION FOR ALL EMPLOYEES.....	40
VACATION BENEFITS	41
NON-CIVIL SERVICE POSITIONS.....	41
POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with AC140520106)	41
FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-107)	42
SCHEDULING VACATIONS.....	42
HOLIDAYS	42
INFORMATION FOR ALL EMPLOYEES.....	42
POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-52-105)	43
FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-106)	43
SICK LEAVE.....	43
INFORMATION FOR ALL EMPLOYEES.....	43
DONATION OF SICK AND/OR ADMINISTRATIVE/HOLIDAY HOURS.....	44
NON-CIVIL SERVICE POSITIONS.....	45
POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-52-107)	45
FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-108)	45
MATERNITY LEAVE	46
BEREAVEMENT LEAVE.....	46
FAMILY MEDICAL LEAVE.....	46
ELIGIBILITY	47

REASONS FOR TAKING FMLA	47
SERIOUS HEALTH CONDITIONS	47
MEDICAL CERTIFICATION	47
USE OF PAID TIME OFF BENEFITS	47
NOTIFICATION	47
OTHER EMPLOYMENT	48
SCHEDULING OF MEDICAL TREATMENTS	48
INTERMITTENT OR REDUCED LEAVE	48
LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY	48
EMPLOYEE BENEFITS	48
RETURNING TO WORK	48
DISPUTE RESOLUTION	49
JURY AND WITNESS DUTY	49
MILITARY DUTY	49
UNIFORMED SERVICES	49
ANNUAL MILITARY TRAINING	49
EMERGENCY LEAVE	49
OCCUPATIONAL INJURIES	50
LEAVE OF ABSENCE WITHOUT PAY	50
INSURANCE BENEFITS	50
EMPLOYEE LIFE INSURANCE BENEFITS	50
EMPLOYEE HEALTH AND OTHER BENEFITS	50
BENEFITS CONTINUATION THROUGH COBRA	50
SURVIVING SPOUSE/DEPENDENT ELIGIBILITY TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN	52
RETIREEES' ELIGIBILITY TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN	52
RETIREMENT AND PENSION PLANS	53
DISTRICT COURT JUDGES AND CLERKS	53
NON-CIVIL SERVICE EMPLOYEES	53
POLICE OFFICERS HIRED 1/1/1983 AND LATER	53
FIREFIGHTERS HIRED PRIOR TO 1.1.1983	54
FIREFIGHTERS HIRED 1/1/1983 AND LATER	54
Section III: Matters Affecting the Status of the Employee	55
EMPLOYEE CLASSIFICATIONS	56
TYPES OF POSITIONS (or appointments):	56
PROBATIONARY PERIOD	56
NON-EXEMPT AND EXEMPT EMPLOYEES	57
HOURS OF WORK	57
REPORTING AND VERIFYING HOURS WORKED	57
PAY DAYS	57
OVERTIME/COMPENSATORY TIME	58
MISCELLANEOUS PAY	59
TRAINING	59
PERFORMANCE EVALUATIONS	59
CIVIL SERVICE POSITIONS	60
JOB SAFETY	60
REFUSAL TO WORK	60
RESIGNATION/TERMINATION	60
Section IV: Standards Of Conduct	62
CONDUCT TOWARD THE PUBLIC	63
UNIFORMS AND PERSONAL APPEARANCE	63
UNLAWFUL DISCRIMINATION AND HARASSMENT	63
COMPLAINT REPORTING AND INVESTIGATION	64
GUIDELINES FOR APPROPRIATE CONDUCT	65
SERIOUS INAPPROPRIATE BEHAVIORS	65
ATTENDANCE	66
FAILURE TO REPORT (NO CALL/NO SHOW)	67
POLITICAL ACTIVITY	67
INAPPROPRIATE BEHAVIORS (In accordance with A.C.A. 7-1-103) include, but are not limited to:	67
INCLEMENT WEATHER	67

OUTSIDE EMPLOYMENT OR MOONLIGHTING 68
DISCIPLINARY ACTION..... 68

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the City and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

No employee handbook can anticipate every circumstance or question about policy. Since personnel practices and procedures are in a constant state of change, the City will continuously review the Handbook for amendments or revisions that might better serve the needs of the City and its employees. As such, this handbook has been designed to be routinely updated and amended as the need arises.

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

This manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted. The only exception to any changes is our employment-at-will policy permitting you or the City to end our relationship for any reason at any time

DISTRIBUTION LIST

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

POLICY STATEMENT

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

COMPATIBILITY WITH OTHER RULES AND REGULATIONS

Should any provision contained in the amended Employee Handbook, City of Conway, Personnel Policy, conflict with any rule or regulation adopted by the Civil Service Commission pursuant to Arkansas Code Annotated 14-51-301, the Civil Service Commission Rules and Regulations shall take precedence.

SEVERABILITY

Should any of the provisions of the policies in this Employee Handbook be determined to be contrary to federal, state, or local law, or to Civil Service Commission rules and regulations, the remaining provisions of this Employee Handbook shall remain in full force and effect.

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

FORM OF GOVERNMENT

A Mayor-Council form of government serves the City of Conway. The Council is composed of eight council members, serving four-year terms, who comprise the legislative body of government. The Mayor is the chief executive officer of the community, serving a four-year term. Other four-year term elected officials are the City Clerk-Treasurer, the keeper of the official records of the City; the City Attorney, advisor to the City in all legal matters; and the District Court Judges, presiding over all district court matters.

Section 1: Employment Policies

EQUAL OPPORTUNITY EMPLOYER

The City of Conway is committed to providing equal employment opportunities without regard to race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity or expression, genetic information, marital status or status as a covered veteran in accordance with applicable federal, state, and local laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training.

AMERICANS WITH DISABILITIES ACT

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

EMPLOYMENT AT WILL

The City of Conway is an at-will employer. This means that the City of Conway or any City employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All City employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period.

AUTHORITY TO HIRE AND FIRE

In accordance with ACA 14-42-110, the Mayor has the power to appoint and remove all department heads, subject to a two-thirds override by the City Council.

Department heads and/or the Mayor will make all other hiring decisions. With regard to all firing decisions, an administrative review is required prior to any termination.

JOB POSTINGS AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms supplied by the city. Application forms are available in the Human Resources office.

Employment Applications and Resumes: The City of Conway relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omission may result in the exclusion of the individual from further consideration for employment and/or dismissal from City employment.

Timelines: In the event of a job opening, the position or positions open will be announced and posted on the bulletin board located in City Hall for a minimum of seven (7) calendar days. The City reserves its discretionary right not to post a particular opening.

Eligibility: To be eligible to apply for a posted job, employees must have performed competently for at least 180 calendar days (6 months) in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Exceptions to this will only occur if all parties involved are in agreement (i.e. receiving and sending department head and the employee) and/or with the approval of the Mayor.

To apply for an open position, employees should submit a completed application to the Human Resources Department by the posted deadline. In some instances, testing may be required.

Supervisory Contact: An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Approval: Except as otherwise provided by Arkansas law, the department head and/or the Mayor shall make the final decision with respect to the transfer decision.

UNIFORMED CIVIL SERVICE POSITIONS: Eligibility for appointment to sworn positions in the Conway Police and Fire Departments are governed by Arkansas Code Ann. §14.51.301, as the statute may be amended from time to time. The Civil Service Commission determines tests and test schedules. The Civil Service Commission and/or their designees conduct all tests and establish the eligible register. The life of each register shall be for one year from the date of its establishment.

DRIVER'S LICENSE AND DRIVING RECORD

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and driving record acceptable to our insurer. You may be asked to submit a copy of your driving record to the City from time to time. Any changes in your driving record must be reported to your supervisor immediately. Failure to do so may result in disciplinary action, up to and including possible termination.

IMMIGRATION AND NATURALIZATION SERVICE (INS) REQUIREMENTS

All persons hired by the City must complete the INS I-9 Form prior to beginning employment and must present documentation of identity and employment eligibility in accordance with federal guidelines. The Human Resources Department will be responsible for compliance with the employer requirements, including, the verification of the identity and employment eligibility documents, the I-9 completion process and maintenance of the required documents.

NEPOTISM

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day

working relationships. **Therefore, relatives of current employees may not occupy a position that will be working directly for or supervising their relative.**

Definitions of relatives: For purposes of this policy, the term “relative” shall include persons living together (including roommates), the spouse and close family members (parents, sisters, brothers, grandparents, children, and grandchildren) either of the employee or of the employee’s spouse.

Relative relationships that occur after employment: In the event two employees in a supervisor/subordinate situation establish a relative relationship (such as by marriage), it is the responsibility and obligation of the employees to notify the department head prior to occurrence of the relative relationship. The individuals concerned will be given the opportunity to decide who is to be transferred to another position for which they are qualified, if available, or resign. If the employees are unable to decide, the employee with the lower classification will be required to transfer or resign. If both employees are in the same classification, the employee with the lower seniority will be required to transfer or resign.

Conflict resolution: In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

MEDICAL EXAMINATIONS

POST-OFFER PRE-EMPLOYMENT PHYSICALS: Post-offer pre-employment physicals will be required for applicants for uniformed and certain other positions. Such examinations shall be paid for by the City. Licensed physicians selected by the City shall perform the examinations. A summary report of the examining physician shall be provided to the Department Head and/or Human Resources Director as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant’s passing such examination.

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

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

UNIFORM EMPLOYEE CIVIL SERVICE JOB REQUIREMENTS: In accordance with fire and police department rules and regulations, these positions may require a complete physical and medical examination to determine the fitness of eligible individuals (including present employees) selected for appointment to uniformed positions.

COMMERCIAL DRIVER'S LICENSE TESTING (THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991)

It is the City of Conway's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. This Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The City of Conway will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Conway the City's written Drug Free Workplace policy. CDL drivers are required to read this material and sign a statement acknowledging they have received a copy of the city's Employee Handbook which includes the Drug Free Workplace Policy and a copy of the Substance Abuse Policy for Conformance with the Requirements of the U. S. Department of Transportation, The Federal Motor Carrier Safety Administration 49 CFR, Parts 40 and 382.

DRUG-FREE WORK PLACE

Purpose of Policy: The City of Conway has a vital interest in providing for the safety and well-being of all employees and the public and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to the maintenance of a drug and alcohol free workplace.

The City and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, the foregoing provisions do not cover certain city employees who perform safety and security-sensitive functions. In addition, the City has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation.

Policy Statement: All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

Safety and Security-Sensitive Positions Defined: A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

- Law enforcement officers who carry firearms.
- Motor vehicle operators who carry passengers, including, but not limited to, drivers who transport other city employees and or citizens.
- Fire department employees who directly participate in fire-fighting activities.
- Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, police cruisers, vans and the like.
- Other employees whose duties meet the definition of safety or security sensitive.

A security sensitive position includes:

- Any police officer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
- The City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

Drug-Free Awareness Program/Education and Training: The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes on training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

Prohibited Substances/Legal Drugs/Unauthorized Items:

- **Prohibited Substances.** Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, Ark. Code Ann. 5-64-201-216,) including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.
- **Legal Drugs.** The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.
- **Unauthorized Items.** Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items may include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

Use of Alcohol and Drugs/Prohibited Conduct: All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- Employees shall not consume alcohol while on duty.
- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- Employees shall submit to all authorized drug or alcohol tests.
- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee’s next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or a lunch, or not performing safety or security sensitive functions.

When Drug and Alcohol Testing May Be Required of All Employees: Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances.

- When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.
- As part of a pre-employment physical examination after a conditional job offer has been

made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.

- When the City management has a reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol. It is preferable, but not required, that testing based upon reasonable suspicion be done only when verified by two persons trained in recognizing signs of substance abuse.
- When an employee suffers an on-the-job- injury or following a serious or potential serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- When any prohibited drug or alcoholic beverage is found in an employee's possession.
- When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security-Sensitive Positions: Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances.

- When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League.

Disciplinary Action: Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

- Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing included, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission of an adulterated or substituted urine sample.
- Drinking alcoholic beverages or using drugs while on duty, on city property, in City vehicles, during breaks or at lunch.
- Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks or at lunch.
- Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.

- Refusal to cooperate in a search.
- (Having an alcohol concentration of .04% or greater in any authorized alcohol test.
- Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

Employment Status Pending Receipt of Test Results: In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

SUBSTANCE ABUSE POLICY FOR CONFORMANCE WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF TRANSPORTATION, THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION 49 CFR, PARTS 40 AND 382

PREAMBLE: The abuse of drugs and alcohol in our society is having devastating effects on individuals, families, and in the workplace, and is a nationwide problem which affects – directly or indirectly – every American. In the workplace, substance abuse affects productivity; worker attendance; the safety of both abusing employees and their co-workers; employee morale; public image; and, ultimately, the “bottom line” of the workplace. When substance-abusing employees operate vehicles on the public roadways, their substance abuse can lead to property damage and the loss of life. Because the workplace affects such a large part of our society, and destructive behaviors in the workplace have wide-ranging consequences, the “Drug-Free Workplace Act of 1988”, was enacted to mandate the implementation of a “drug-free workplace” for workplaces which were covered by the Act. In 1991, Congress passed the Omnibus Transportation Employee Testing Act, in which the U. S. Department of Transportation was required to implement the drug and alcohol testing of Safety-Sensitive transportation employees.

PURPOSE: The specific purpose of this substance abuse policy is to establish a program designed to help prevent accidents and injuries resulting from the use of controlled substances and the abuse of alcohol by drivers of specified commercial motor vehicles. The general purpose of this policy, however, is to foster a safe and healthy work environment which produces beneficial results for employees and their families, as well as for the Company. This purpose is achieved through the implementation of a drug and alcohol testing program for the covered drivers as a deterrent to abuse. The goal of the policy is to balance the Company’s respect for the individual’s privacy with the need to achieve and maintain a safe and productive work environment. With these objectives in mind, the Company has established this policy which is to conform to the requirements of the U. S. Department of Transportation, Federal Motor Carrier Safety Administration Regulations, contained in 49 CFR, Parts 40 and 382.

ADMINISTRATIVE PROVISIONS: This policy summarizes and puts into a concise format the provisions of the U. S. Department of Transportation, Federal Motor Carrier Safety Administration Regulations, contained in 49 CFR, Parts 40 and 382, but it is intended in no way to contradict or impose less stringent requirements than the referenced Regulations.

As provided for in 49 CFR, Parts 40 and 382, this policy applies to, covers, and imposes drug and alcohol testing requirements on “Safety-Sensitive” employees of the Company. The Company is responsible for meeting all applicable requirements and procedures of these Parts, and the policy is administered on behalf of the Company by the Designated Employer Representative (DER), as defined in the Regulations and below.

Drug and alcohol testing of a Safety-Sensitive employee mandated by this policy and by the DOT Regulations are to be completely separate from any “non-DOT” drug and alcohol testing performed by the Company or through the Company’s non-DOT drug testing program. The DOT tests of a Safety-Sensitive driver required by this policy and the DOT Regulations are to take priority and must be conducted and completed before a non-DOT test is begun. Any excess urine from a driver’s DOT test must be discarded and may not be used for any non-DOT test. No other testing (e.g., medical, DNA, or other drugs or specimen identity) may be performed on urine or breath incidental to a DOT drug or alcohol test. (The single exception to this restriction is when a DOT drug test is conducted in conjunction with a DOT physical examination. In this situation, any urine remaining in the collection container after the drug test urine specimens have been sealed into the separate bottles, may be used for the needed glucose test.) The results of a DOT test may not be changed or disregarded based on the results of a non-DOT test. Nothing in this policy, exempts a Safety-

Sensitive driver from being subject to non-DOT drug and/or alcohol testing that the Company's employment policies prescribe.

DEFINITIONS:

The Company: The Company, as used in this Policy, is the City of Conway.

“Safety-Sensitive” Employees: All employees who possess a Commercial Driver's License (CDL), and who are qualified to operate a Company Motor Vehicle which meets the standards as outlined in the definition below and specified in §382.107 of the “Federal Motor Carrier Safety Administration” Regulations.

Designated Employer Representative (DER): The Designated Employer Representative (DER) is the employee of the Company who implements, administers, and enforces this policy on behalf of the Company and in compliance with 49 CFR, Parts 40 and 382. The “DER” is authorized to take immediate action(s) to remove Safety-Sensitive employees (drivers) from Safety-Sensitive Functions and to make required decisions in the testing and evaluation process. The “DER” receives test results and other communications for the Company, consistent with the requirements of the applicable Regulations.

Safety-Sensitive Function. Safety Sensitive Function is defined as the time a driver begins to work or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work, has lapsed. This Safety Sensitive Function shall include the time the driver is:

- Waiting to be dispatched;
- Inspecting, servicing, or conditioning the commercial motor vehicle;
- Driving a commercial motor vehicle;
- In or upon any commercial motor vehicle;
- Loading, unloading, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded; and/or,
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Commercial Motor Vehicle. This policy pertains to commercial motor vehicles (or combinations of motor vehicles) used in commerce to transport property or passengers which meet the following conditions:

- The motor vehicle has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or,
- The motor vehicle has a gross vehicle weight rating of 26,001 or more pounds; or,
- The motor vehicle is designed to transport 16 or more passengers, including the driver; or,
- The motor vehicle is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

Commercial Drivers License: The applicable license is a license issued by a State or other jurisdiction to an individual which authorizes the individual to operate a class of Commercial Motor Vehicles.

DOT: “DOT” means the U. S. Department of Transportation; specifically, the Federal Motor Carrier Safety Administration, within the Department.

EMPLOYEE CONDUCT: Drivers to whom this policy applies and who are covered by the applicable Regulations are prohibited from using or possessing controlled and illegal drugs or alcohol while on duty. No driver shall report for duty or remain on duty requiring the performance of

Safety Sensitive Functions (See “Definitions”, above) while using any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the Employee that the substance will not adversely affect the Employee’s ability to perform a Safety-Sensitive Function.

Note: Prescriptions for medications obtained over the Internet may be accepted by a Medical Review Officer (MRO) only if there is proof that a legitimate doctor-patient relationship has been established; meaning, that, when, because a patient has a medical complaint, he/she seeks medical assistance where a medical history is taken, a physical examination is performed, and there is some logical connection that exists between the complaint, the medical history, the physical examination, and the drug prescribed. **Standing alone, the completion of an on-line questionnaire reviewed later by a pharmacy-employed doctor fails to establish a proper doctor-patient relationship.** In making the determination if a medication obtained over the Internet may be accepted, the MRO will consider the licensure of the prescribing practitioner, the direct contact with the prescribing practitioner and the driver, and whether the driver initiated the request to a pharmacy for the medication instead of obtaining the medication as a result of an evaluation and a prescription being written by the medical practitioner.

No driver shall report for duty or remain on duty requiring the performance of Safety-Sensitive Functions while having an alcohol concentration of 0.02 or greater. No driver shall perform Safety-Sensitive Functions within four (4) hours of using alcohol.

No driver shall perform Safety-Sensitive Functions if the result of a drug and/or alcohol test is positive. (Refer to Return-to-Duty Testing below.)

A driver involved in an accident involving a Commercial Motor Vehicle which requires a post-accident test is prohibited from using alcohol until after a post-accident test is performed, or eight (8) hours have elapsed since the accident, whichever comes first. (Refer to Post-Accident Testing, below, for the criteria under which a Post-Accident Test is required.)

NOTE: REFUSAL TO SUBMIT TO A REQUIRED DRUG OR ALCOHOL TEST WILL BE CAUSE FOR DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

A refusal to test includes:

- Failure to appear for the required test (except for a pre-employment test) within a reasonable time, as determined by the employer, consistent with the “Federal Motor Carrier Administration” Regulations, after being directed to do so by the employer or by the employer’s contracted “Service Agent”.
- Failure to remain at the testing site until the testing process is complete. (An applicant who leaves the testing site before a pre-employment test begins is not deemed to have “refused to test”.)
- Failure to provide a urine specimen for any drug test required by DOT Regulations, or failure to provide an adequate amount of breath or saliva for an alcohol test as required by DOT regulations.
- In the case of a “directly observed” or “monitored” collection in a drug test, a failure to permit the observation or monitoring of the covered employee’s providing the specimen.
- Failure to provide a sufficient amount of urine or sufficient breath specimen when directed, and when it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
- Failure or declining to take an additional test the employer or collector has directed the covered employee to take.
- Failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the Company’s “Designated Employer Representative” (DER).

- Failure to sign the certification at Step 2 of the Alcohol Testing form;
- Failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when directed to do so by the specimen collector; behaving in a confrontational way that disrupts the collection process; etc.)
- Receipt of the report from and/or notification by the MRO as having a verified adulterated or substituted test result.

DRUG AND ALCOHOL TESTING PROGRAM:

DRUG TESTING: DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/drug metabolites:

- Marijuana metabolites / THC
- Cocaine metabolites
- Amphetamines (including methamphetamines)
- Opiates (including codeine, heroin, morphine)
- Phencyclidine (PCP)

Prescription medicine and “Over-the-Counter” (OTC) drugs may “show up” in the testing process, and these may cause a drug test to be “positive” for a drug category; however, after review by the Medical Review Officer (MRO), legitimate use of these drugs will not produce a final positive test result issued by the MRO. Prescription medicine and “OTC” drugs are considered by the MRO as legitimate and being used legitimately when the following minimum standards apply:

- The medicine must be prescribed to you by a licensed physician, such as the covered employee’s personal doctor. (See note above regarding medications obtained through Internet practitioners.)
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of the Safety-Sensitive Function.
- The substance is used at the dosage prescribed or authorized.
- If more than one physician is providing treatment to the covered employee, it must be shown that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of the Safety-Sensitive Function.
- Taking the prescription medication and performing the Safety-Sensitive Function is not prohibited by DOT regulations.

Safety-Sensitive employees are subject to drug and alcohol testing in the following situations:

Pre-employment: A “new hire” is required to submit to a drug test. Only after a negative drug test result is issued by the MRO may a new hire begin driving in a Safety-Sensitive Function. This requirement also applies to current employees who are transferring from a non-Safety-Sensitive Function into a position which is Safety-Sensitive.

Random: Safety-Sensitive employees are subject to unannounced random drug and alcohol testing. Just prior to the testing event, the driver is notified of his/her selection and is provided enough time to stop performing his/her Safety-Sensitive Function and report to the testing location. (Failure to present at the testing location or interfering with the testing process can be considered a refusal-to-test.) Under DOT Regulations, random testing must be generated using a truly random selection process, with each Safety-Sensitive employee having an equal chance to be selected and tested at all times. Random alcohol tests can only be performed while the driver is performing Safety-Sensitive Functions.

Post-accident: If the Safety-Sensitive employee is involved in an accident meeting any one of the conditions enumerated below, a post-accident drug test and an alcohol test will be required.

- An accident involving a human fatality. (All surviving drivers are required to submit to testing. See the definition of “Safety-Sensitive Function” above.)
- An accident where there is BOTH a ticket issued to any driver AND a tow-away of any vehicle involved in the accident.
- An accident where there is BOTH a ticket issued to any driver AND there is bodily injury with immediate medical treatment away from the scene.

The Safety-Sensitive employee(s) must remain available for the required testing and may not refuse to be tested.

Reasonable Suspicion/for Cause: A driver may be required to submit to a test (drug, alcohol, or both) that a supervisor requests, based on “reasonable suspicion”. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that the safety-sensitive employee is under the influence of drugs or alcohol. The test cannot be required based on a hunch or guess alone, or on rumor or information from informants. The test must be based on observations concerning the driver’s appearance, behavior, speech, or smell that are usually associated with drug or alcohol use. Supervisors who require reasonable suspicion drug and/or alcohol tests much have received one hour of training in drug and one hour of training in alcohol signs and symptoms.

Return to Duty: If a driver has violated the prohibited drug and/or alcohol rules, a drug and/or alcohol test will be required before returning to the Safety-Sensitive Function. (This provision in no way assures the employee of a right to continued employment by the Company. The Company retains the option to terminate an employee who fails to pass any required drug and/or alcohol test, in conformance with Company personnel policies.) The Return-to-Duty test will be directed by the Company’s Designated Employer Representative (DER) upon the recommendation of the Substance Abuse Professional (SAP) who has evaluated the Safety-Sensitive employee following a positive drug and/or alcohol test, and following any recommended treatment.

Follow-up: The driver who returns to duty will be required to submit to “follow-up” testing. The Substance Abuse Professional (SAP) who has evaluated the driver will make the determination as to the number of tests and the length of time over which testing will be required. The minimum number of tests is at least 6 tests during the first year after returning to duty. The testing may be required to continue for up to 5 years. The SAP will determine for what substances (i.e., drugs, alcohol, or both) the employee will be tested. The Company will be responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other DOT required testing. (The driver remains in the random pool and is subject to random testing at all times.)

The drug testing process consists of three components: (1). The collection. During the collection process, a urine specimen collector will:

- Verify the identity of the donor using a current valid photo ID (such as a driver’s license, a passport, an employer-issued picture ID, etc.).
- Create a secure collection site by:
 - Restricting access to the site to only those being tested;
 - Securing water sources and placing blue dye in any standing water;
 - Removing or securing all cleaning products/fluids at the collection site.
- Afford the donor privacy to provide a urine specimen. (The exception to this rule will generally surround issues of attempted adulteration or substitution of a specimen or any situation were general questions of validity arise, like an unusual temperature or odor of the specimen.)
- Ask the donor to remove any unnecessary garments and empty pockets. (The donor may retain his/her wallet.)
- Instruct the donor to wash and dry his/her hands.

- Select, or have the donor select, a sealed collection kit and open it in the donor's presence.
- Request the donor to provide a urine specimen into a collection container. (A minimum of 45 mL will be required from a single void.)
- Check the temperature and color of the specimen which has been provided.
- In the donor's presence, the specimen collector will pour the urine into two separate bottles ("A" or the primary sample and "B", the second bottle of the split sample collection); seal both bottles with tamper-evident tape; and ask the donor to sign the seals after they have been placed on the bottles.
 - NOTE: Neither the donor nor the collector should let the specimen out of their sight until the urine has been poured into the two separate bottles and the seals have been applied.
- Ask the donor to provide his/her name, date of birth, and both a daytime and evening phone number on the Medical Review Officer (MRO) copy (Copy 2) of the Federal Custody and Control Form (CCF). (Phone numbers are needed to permit the MRO to contact the donor if there are questions about the test result.)
- Complete the necessary documentation on the Laboratory Copy of the CCF.
- Give the donor the Employee Copy of the CCF.
- Package and ship both sealed bottles and the completed Laboratory Copy of the CCF to the laboratory.
- Provide the MRO copy of the CCF to the MRO and the Employer copy of the CCF to the employer.

If the donor is unable or fails to provide a minimum of 45 mL of urine on the first attempt, the time will be noted and the "shy bladder" protocol will be begun. In the shy bladder protocol:

- The donor will be required to remain in the testing area – under the supervision of the collection site personnel or a Company supervisor or other representative of the Company. (Leaving the testing area during the shy bladder protocol may be considered a refusal to test.)
- The donor will be urged to drink up to 40 oz of fluid, distributed in increments reasonably spread over a period of up to three hours.
- The donor will be permitted to provide a new specimen or specimens (into a new container) at any time within the three hour time period.
- If the donor does not provide a sufficient specimen within the three hour period, the donor must obtain a medical evaluation within 5 days to determine if there is an acceptable medical reason for not being able to provide a specimen. The physical examination is scheduled after the Company's Designated Employer Representative (DER) consults with the Medical Review Officer (MRO). The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the MRO. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing the urine specimen, it will be considered a refusal to test.

The specimen collection personnel will meet the training and performance standards as set out and required by DOT.

Testing at the Laboratory: At the laboratory, the staff will:

- Determine if "flaws" exist. "Flaws" are divided into "Correctable Flaws" and "Fatal Flaws". Correctable flaws are those where minor omissions are noted that can be corrected by the specimen collector through the preparation and execution of an "affidavit of correction". Fatal flaws involve those that cannot be corrected (e.g., insufficient urine being provided or the urine leaking during transit; the laboratory copy of the CCF not accompanying the specimen to the lab or being illegible; the bar code on the bottles not matching the bar code on the CCF; etc.) If a fatal flaw exists, the specimen will be rejected for testing.

- Open only the “A” bottle and conduct the screening test. Screening tests that screen positive will be analyzed again using a completely different confirmatory testing methodology (the “GC/MS” test where the molecular make-up of any drugs in the specimen can be identified) to confirm the initial result.
- Conduct specimen validity tests to determine if the specimen was adulterated or substituted. The pH and specific gravity of the specimen are checked to determine if the specimen is dilute or substituted. Report the test results as adulterated, substituted, or dilute if the test indicates these conditions exist.
- Report the test as negative if the screening test is negative, or if the second confirmatory test is negative. Only if the specimen tests positive under both testing methodologies will the result be reported to the Medical Review Officer (MRO) as positive.
- Store the remaining specimen in the “A” bottle and the unopened “B” bottle (with its security seal intact) on any tests that were reported as positive, adulterated, or substituted for at least 12 months.

The testing laboratory which is authorized to perform DOT testing is one that has received and maintains certification from the Substance Abuse and Mental Health Services Administration (SAMHSA). Rigorous certification standards are imposed; performance standards are monitored; and independent inspections are performed. The highest standards of performance and accuracy are required, and any failure to maintain these high standards will be cause of the laboratory to lose its certification.

Review by the Medical Review Officer (MRO). Upon receipt of the test result from the laboratory, the MRO will:

- Review the paperwork for accuracy and completeness.
- Report a negative result to the Company Designated Employer Representative (DER).
- If the result is positive, adulterated, or substituted, the MRO will conduct an interview (usually by telephone) with the donor to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If a legitimate medical reason cannot be established for a positive test, the MRO will report the result as positive. For an adulterated or substituted test, if a legitimate medical reason cannot be established for the result, the MRO will report the result as a refusal. If the MRO cannot reach the donor by telephone within a fairly short time period, the MRO will ask the DER to assist in contacting the donor to notify him/her to contact the MRO. If the MRO fails to be able to contact the donor, or if the donor fails to provide the MRO with legitimate medical documentation to validate the medical reason for the result, the result will be issued as positive or as a refusal, depending on the laboratory report.
- Inform the donor that he/she has 72 hours from the time of the verified result to request to have the “B” bottle of the split specimen collection sent to a second, totally independent certified laboratory for analysis for the same substance or condition that was found in the “A” bottle. There is additional cost associated with this “challenge” test which the donor may be held responsible by the Company, although the inability to afford this challenge test cannot be cause for the test not being performed.

Under DOT Regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. MROs must complete qualification training courses and fulfill obligations for continuing education courses; they must be certified by one of the national Medical Review Officer professional organizations. MROs serve as independent, impartial “gatekeepers” to the accuracy and integrity of the DOT drug testing program.

The alcohol test involves: Conducting an alcohol screening test. A Breath Alcohol Technician (BAT) or a Screening Test Technician (STT), using only a DOT approved instrument or device will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing the testing process;
- Require the person being tested to sign Step 2 of the Alcohol Testing Form;
- Perform a screening test and show the person being tested the test result. If the screening test is an alcohol concentration of less than 0.02, then no further testing is authorized and there is no DOT action to be taken. The technician will document the result on the form and provide the person being tested and the Company copies of the form.

Conducting an alcohol confirmatory test. If the screening test result is 0.02 or greater, a confirmatory test will be required.

- The confirmatory test can only be performed by a BAT using an Evidential Breath Testing (EBT) device.
- The BAT will wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmatory test.
- The confirmatory test will require the use of a new EBT mouthpiece.
- Perform an “air blank” on the EBT device to ensure that there was no residual alcohol in the EBT or in the air around it.
- Display the test result to the person being tested on the EBT and on the print-out from the EBT.
- Document the confirmation test result on the form; provide the person being tested and the employer copies of the form.
- Report any confirmed result of 0.02 or greater immediately to the Company Designated Employer Representative (DER).

If after several attempts, the person being tested is unable to provide an adequate amount of breath for a breath alcohol test, the testing will be stopped. The person being tested will be instructed to submit to a medical evaluation to determine if there is an acceptable medical reason for the employee who attempted the breath alcohol test not providing the sample. If it is determined that there was no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Consequences of positive drug and/or alcohol tests; refusals to test; or violations of a DOT agency specific drug and alcohol rule:

If a Safety-Sensitive employee tests positive, refuses to test; or violates a DOT drug and alcohol rule:

- A supervisor or Company official will immediately remove the driver from the DOT-regulated Safety-Sensitive Functions.
- The driver will be subject to immediate termination as provided for in the Company personnel policy.
- At the Company’s discretion, the driver may be referred to a Substance Abuse Professional (SAP) for evaluation. Substance abuse treatment, if recommended by the SAP or based on self-referral by the employee, will involve return-to-duty and follow-up testing. The Company will maintain a list of SAP and/or treatment options that may be available to the employee, but the cost of any evaluation or treatment will be the responsible of the employee. Nothing suggests that, in the Company providing this information to the employee, the Company is under any obligation to retain or re-hire the employee following a positive or refusal-to-test result.

Substance Abuse Professionals (SAPs) are “gate-keepers” to the re-entry program when a Safety-Sensitive employee can return to duty. SAPs are required to have a specific background and specified credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. SAPs must be knowledgeable about the SAP functions as it relates to the DOT Regulations and the specific Safety-Sensitive Functions as this relates to employer interests in

the Safety-Sensitive duties. SAPs must complete qualification training and fulfill obligations for continuing education courses. SAPs make recommendations to the employer about an employee's readiness to perform Safety-Sensitive duties. SAPs make return-to-duty recommendations according to their professional and ethical standards, as well as to DOT regulations. Note: Only specifically identified counselors are qualified as SAPs; not all counselors, social workers, or other behavioral professionals meet the requirements to act as a SAP within the scope of the DOT regulations. SAPs may make recommendations for a client to submit to treatment, but the same person cannot act as the SAP and as the treatment provider.

Drug and alcohol testing results follow a driver to a new employer if the new employer is regulated by a DOT agency. Employers are required by law to provide driver drug and alcohol testing history to subsequent employers. This is to ensure that a substance abusing employee completes the return-to-duty process and is being tested according to the prescribed follow-up testing plan.

The drug and alcohol testing program is implemented as a deterrent to substance abuse, but it is the responsibility of a driver who has a drug or alcohol abuse problem to refrain from Safety-Sensitive Functions; the driver must not continue to perform his/her Safety-Sensitive Functions. While the driver may have his/her abuse problem identified at some point by a random or reasonable suspicion/for cause drug and/or alcohol test, the driver with a substance abuse issue must assume the responsibility of not performing Safety-Sensitive Functions. Drivers with drug and/or alcohol abuse issues are encouraged to seek help, but seeking help as a result of a random or reasonable suspicion/for cause drug and/or alcohol test being announced is not viewed as the appropriate time for a confession and request for help.

The Company has information available on Substance Abuse Professionals and treatment providers, and this information may be requested by the driver. At the discretion of the Company, drivers may be allowed to seek treatment at their own expense and on their own time. However, the driver may not perform Safety-Sensitive Functions if there is a substance abuse issue. Continued employment by the Company and/or in the Safety-Sensitive Function, or return to duty, following being identified as having a substance abuse issue is totally at the discretion of the Company and employment decisions will be made in light of the Company's personnel policy.

IMPLEMENTATION:

It is the expressed intention of this policy for the Company to be in compliance with the provisions of the U. S. Department of Transportation, Federal Motor Carrier Safety Administration Regulations as promulgated in 49 CFR, Parts 40 and 382. The Federal Regulations are deemed to be the minimum standard for the Company's policy and for the conduct of Company employees in Safety-Sensitive Functions. If any conflict between this policy and the Federal Regulations shall exist or arise at any time, the Federal Regulations are deemed to have precedence and this policy is deemed to be subordinate to any conflicting Regulation.

This policy is hereby adopted as the policy of the City of Conway for conformance with the U. S. Department of Transportation, Federal Motor Carrier Administration, 49 CFR, Parts 40 and 382.

ACTIVE EMPLOYEE CERTIFICATE OF AGREEMENT

I do hereby certify that I have received and reviewed the City of Conway "SUBSTANCE ABUSE POLICY FOR CONFORMANCE WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF TRANSPORTATION, THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, 49 CFR, PARTS 40 AND 382", and have had the drug-free workplace program explained to me.

- I understand that I will be subject to random drug and/or alcohol testing as provided in this policy and as provided for in the Federal Regulations.
- I understand that, if my performance indicates it is necessary, I will be subject to reasonable suspicion/"for cause" drug and/or alcohol testing.
- I understand that failure to comply with a drug and/or alcohol testing request, or a positive confirmed result may lead to disciplinary action taken by the City of Conway, up to and including termination of employment.

Employee Acknowledgement:

Name: _____
(Please print)

Signature: _____

Date: _____

Company Witness:

Name: _____
(Please print)

Signature: _____

Date: _____

EMPLOYEE RELATIONS / OPEN DOOR POLICY

The City believes that employees should be an organization's most important resource. The City believes that open communication within an atmosphere of mutual trust is of prime importance to its employees. Realizing that effective communication is always a two-way street, the City values employees' constructive opinions and suggestions. Because the City of Conway believes in team effort and an open atmosphere, it encourages an employee to meet and discuss suggestions, problems or concerns with their supervisor or department head.

In most cases, talking with one's supervisor is the most effective way to deal with a problem or suggestion. However, an employee may discuss problems or suggestions with a department head instead of, or in addition to their supervisor. The HR Director is ready and willing to assist in these matters as well. Employees may voice their concerns to the Mayor provided they have given prior notice to their department head. This open door policy is not a substitute for the City's policy against harassment and unlawful discrimination.

PERSONNEL FILES

The City maintains an official original personnel file on each employee. It is maintained in the Human Resources Department located at City Hall. The file includes information that is needed by the City in conducting its business or as required by federal, state, or local law. Personnel files are the property of the City and access is limited. The supervisor may keep working files in a secure fashion.

Personnel files include information such as: the employee's job application, resume, records of training, documentation of performance appraisals, records of salary changes, records of all disciplinary action, records of commendations, home address, home telephone number, emergency contact information, driving record or status of driver's license, and professional licenses.

UPDATES

To keep personnel files up to date, employees are responsible to notify Human Resources in writing of any changes in name, address, telephone number, and marital status, number of dependents, beneficiary designations, W-4 changes and emergency contact. Family status changes affecting insurance coverage must be made within 31 calendar days of a change.

CITY PROPERTY

The City of Conway provides various items to employees for their use in performing their job. This includes, but is not limited to, such items as information, telephones, computers, e-mail, intranet/internet access, desks, chairs, workstations, tools, supplies, etc. The appropriation or use of City property for private enterprises or similar gain is prohibited. While employees may reasonably use some City property, such as local phone calls, for limited and necessary functions, any abuse of City-owned property could be grounds for serious disciplinary action up to and including termination.

INSPECTION AND MONITORING

In order to ensure the safety and protection of employees and citizens, as well as to protect the interest of the City in ensuring that its departments operate in an effective and efficient manner, the City of Conway reserves the right to inspect any City provided items as well as employees' personal

property located on City premises when there are reasonable grounds for suspecting that an inspection or search will turn up evidence that an employee is guilty of work-related misconduct, or that the inspection or search is necessary for a non-investigatory work related purpose. The employee may avoid exposing personal belongings to inspection at work by simply leaving them at home.

It is the express intention and policy of the City of Conway that any such inspection or search be conducted in compliance with prevailing state and federal law. In carrying out any such inspection or search it is the City's intention that the measures utilized in any such inspection or search be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of either the alleged misconduct or the necessity to accomplish a proper work related purpose.

The City also reserves the right, except where prohibited by state or federal law, to monitor telephone and computer usage, and to use cameras in all areas of its facilities to monitor the activity of any individual on the premises. If this monitoring demonstrates that an employee has exhibited poor performance or improper conduct or activity, he or she will be subject to disciplinary action up to and including termination.

CITY VEHICLES

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

The use of City vehicles is restricted to City business purposes only. Employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City. With prior permission of the Mayor or department head, employees may transport spouses in City vehicles when attending conferences or meetings.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle.

Thefts or accidents involving City vehicles must be reported immediately to the police and the employee's immediate supervisor. The improper, careless, negligent, destructive, reckless or unsafe use of City equipment or vehicles may result in disciplinary action.

TRAVEL POLICY

Any employee, during the course of his/her employment with the City of Conway, may be required to travel outside the city limits of Conway on official business, thereby incurring certain expenses for accommodations and meals. **Reimbursement of actual out-of-pocket expenses requires proof of purchase and original detailed itemized receipts submitted with a completed and approved Travel Expense Report.** It is inherently understood in this policy, however, that an individual traveling on official City business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays or luxury accommodations and services unnecessary, unjustified, or solely for the convenience or personal preference of the traveler in the performance of official City business are not acceptable under this standard, and travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.

All employee travel must have proper authorization by a department head and mayor (if applicable) **prior** to its occurrence. Documentation of such approval must be kept on file within the department until the completion of the trip, at which time the approval and request for reimbursement are to be submitted to the Finance Department with the Travel Expense Report and all original detailed itemized receipts for expenditures.

All transportation shall be by the most economical means—taking into consideration the direct cost of the carrier, the cost of the employee’s time away from the office, and expenses incurred for additional nights lodging and meals.

Airlines: All commercial air travel shall be by the least expensive service available, generally coach rates. An employee may be asked for documentation justifying the means of transportation and/or cost savings. Advance planning should be used to take advantage of various special airline rates. When airfare rates are considerably less leaving a day earlier, the City will pay the extra day’s meals and lodging. However, the reduced airline rate must compensate for the additional meals and lodging. In those cases where an employee decides to have a family member accompany him or her on a business trip, the employee must pay all additional expenses. No adjustment is permitted to cover the expenses of accompanying family members (e.g., exchanging a regular round trip fare for two excursion fares).

Lodging: City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. The City will reimburse only for the single occupancy rate. Reimbursement of hotel rates will not be made in excess of the maximum lodging rate (excluding taxes) by location as stated on the U. S. General Services Administration website, www.gsa.gov without advance written approval by the Department Head and Mayor. When an employee is accompanied by a spouse or other guest, the lodging invoice shall note the single occupancy rate for the hotel/motel and shall be signed by an authorized employee of the hotel/motel. The employee is responsible for the difference and any room charges not pre-approved. All lodging will be reimbursed with appropriate original receipts. Travel distance greater than 70 miles is required for reimbursement of lodging expenses.

City Vehicle: Whenever possible, employees should use City vehicles for official City business. City vehicles shall be legally and appropriately operated and/or parked at all times. If expenses for gasoline or other repairs occur, the employee shall submit original detailed itemized receipts for such expenses to obtain reimbursement. The City has liability insurance coverage on City vehicles being driven on official business. However, this does not cover accidents which occur while **NOT ON OFFICIAL BUSINESS**. Employees will be responsible for their own liability insurance coverage in this situation.

Personal Vehicle: Use of a personal vehicle will be reimbursed at the mileage rate in use by the City at the time of the travel. The reimbursement rate established by City Council is at the State of Arkansas mileage reimbursement rate for use of privately-owned vehicles on official business. The rate is available from the City’s Finance Office or through the state’s DF&A website. Reimbursement will be on a per mileage basis based on the shortest route. When using a personal automobile for a trip which originates from home, the mileage reported for reimbursement should be from home or from City offices, whichever is less. Additional vehicle related expense incurred will be the responsibility of the vehicle owner and are not the responsibility of the City. All personal vehicles used for City business must be adequately insured for liability, personal injury and property damage. Mileage shall not exceed the cost of airfare unless pre-approved by the Mayor in writing.

Economy measures: When practical, employees will carpool when attending the same conference or training. An employee may take their own car, but will not be reimbursed for mileage,

or upon agreement split the reimbursement with the other drivers. Cost-sharing measures are encouraged when practical and appropriate.

Other: Reimbursement for expenses incurred for taxi/bus/shuttle services shall be allowed in conjunction with official City business. Original detailed itemized receipts should be obtained where possible, but if no receipts are available, then an explanation (accounting) of the request is necessary. Note that reimbursement for taxis taken between places of lodging or business and places where meals are taken is included in and limited by the Incidental portion of Meals & Incidentals discussed below. Reimbursement for rental car expenses must be pre-approved by the Department Head. A justification for the need for a rental car must be included with the Travel Expense Report indicating approval by the Department Head prior to the date of travel. Expenses necessarily associated with authorized automobile travel such as tolls and parking will be fully reimbursed upon presentation of the original detailed itemized receipt.

Reimbursement for business related telephone calls, conference registration or tuition, and necessary conference or training materials will be allowed with the appropriate original detailed itemized receipts. Whenever possible, registration costs and material costs should be pre-paid through the City or billed to the City.

Meals (inclusive of tips) will be reimbursed based on actual original detailed itemized receipts not to exceed the current rate of reimbursement established by the U. S. General Services Administration and available on the federal agency's website at www.gsa.gov.

This provides meals & incidentals ("M&I") rate for various cities and modifies the reimbursement rate currently utilized by the City for travel incurred on or after the effective date of this Ordinance. Any meal related expense in excess of the stated daily rate is the responsibility of the employee. The cost of meals is not to be averaged over the length of travel. Employees may not claim reimbursement for a meal if the cost is included in the registration cost of the training/conference. Meal allowances for the first and last day of travel is limited to 75% of the daily M&I rate, with appropriate receipts.

Travel Advances: Travel advances will not be issued for less than \$200 or more than 80% of the anticipated cost of travel. Immediately upon return, the employee must submit a Travel Expense Report and original detailed itemized receipts regardless of whether the employee owes advance moneys back to the City or is due additional reimbursement. Each employee requesting a cash advance must sign a payroll deduction authorization form which will allow the City to recover the advance from any salary owed the employee in the event of termination of employment or failure to submit a travel claim. A payroll deduction equal to the travel advance will be processed if a Travel Expense Report has not been submitted to the Finance Office two (2) weeks following the employee's return from travel.

Unauthorized Expenses: Notwithstanding the above provisions, the City will not reimburse items of a personal nature. Such items include but are not limited to: movies, premium television services, alcohol, dry cleaning, spas, gyms, barber/hairstylist, magazines, shoeshine, clothing, toiletries, fines or traffic violations, and spouse/guest accommodations. The City will not pay for any entertainment expenses, including but not limited to rental of movies, attendance to non-seminar or non-job related activities or for alcoholic beverages.

If unauthorized expenses have been paid by the City, the employee will be responsible for immediate reimbursement to the City either by personal check or payroll deduction.

City Credit Card: Airline reservations will be preferably made by the Mayor's office using the City credit card. Airfare charges are due and payable upon receipt of the billing from the credit card company and will be processed and charged to the traveler's department. Hotel reservations may

be held by the City credit card, however, the traveler will need to arrange for direct bill, advance payment or charge the actual lodging to the traveler's personal card and request reimbursement after the travel. Any deposit charge for lodging that is due and payable upon receipt of the credit card billing will be charged to the traveler's department.

It shall be the responsibility of each Department Head to examine and approve all travel and reimbursement requests, provide written authorization and justification if there exists any variances from the travel policy directives, and to always be cognizant of the costs for employees to attend seminars, meetings and training institutes, for determining feasible use of financial resources provided in your annual operating budget. Any deviation from the above stated policy requires advance written approval of the Department Head and the Mayor.

INTERNET AND E-MAIL POLICY

PURPOSE: The purpose of this policy is to provide employees with guidance on the proper use of city owned computers and related Electronic Messaging Devices (EMD's). The City of Conway encourages the use of Internet (including electronic mail) to provide an efficient method to exchange information within City offices, between local governmental officials and to the public. The City expects its employees to exercise discretion and utilize these tools in an efficient and professional manner.

POLICY: New technologies provide many opportunities for enhancement of productivity and effectiveness. However, these new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the city and employees utilizing the same. It is the policy of this city that all employees abide by these policy guidelines when using computers, the internet, voice mail and related electronic messaging devices. This policy is intended to provide guidance on appropriate usage to the employees of the City of Conway. The policy objective is to insure that city computers, the internet, e-mail and EMD's are used first and foremost to accomplish business tasks. Every employee has a responsibility to maintain and enhance the City of Conway's image, and to use these resources in a responsible, productive manner.

Definitions:

Electronic Messaging Device (EMD): Electronic messaging devices include computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards, Internet services and facsimile transmissions.

Director of Information Technology: The city employee designated with responsibility for managing all aspects of city computers, e-mail, voice mail and Electronic Messaging Devices.

Usage: Transmission of electronic messages and information on communications media provided for employees of this city are to be treated with the same degree of propriety and professionalism as official written correspondence.

The city encourages authorized and trained personnel with access to EMD's to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation based on breaches of this policy. To ensure compliance with this policy, telephone, computer, e-mail and internet usage may be monitored, accessed and reviewed.

City computers, internet, e-mail and EMD's are intended for conducting business of this city. Infrequent personal use may be permissible if limited in scope and frequency, if in conformance with

other elements of this policy and if not connected with a profit making business enterprise or the promotion of any product, service or cause that is not approved by this City.

Prohibited Use:

- Viewing, downloading and/or transmitting materials that involve the use of obscene language, images, jokes, sexually explicit materials or any messages that contain defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory or illegal material; any messages that encourage the use of controlled substances, uses the system for the purpose of criminal intent or any other illegal, immoral or unethical purpose; any message that violates or infringes on the rights of any other person, including the right to privacy.
- Access to any file or database unless they have a need and a right to such information. Personal identification and access codes shall not be revealed to any unauthorized source.
- Download or install any software without prior approval from the Director of Information Technology.
- Download or install any executable or macro file or other materials, including search bars, from the Internet or other external sources.
- Violate any copyright and licensing restriction of any software.
- Permit unauthorized persons to use this city's electronic mail system.
- Registering Personal Electronic Mail System (Email) Accounts.
- Registering city issued email addresses for non-professional or non-city related business that could affect the performance of the city's network, causes the employee to receive unsolicited emails, or requires the City to provide time and leadership to correct the problem.
- Sending and/or forwarding chain letters, virus hoaxes, urban legends, etc.
- Sending and/or forwarding materials that promote a product, social, religious or political cause not approved by the city.

PRIVACY and FOIA: Confidential, proprietary or sensitive information may be disseminated only to individuals with and need and right to know and where there is sufficient assurance that appropriate security of such information will be maintained.

The electronic files, including E-mail files, of City employees are potentially subject to public inspection and copying under the state Freedom of Information Act ("FOIA"), Ark. Code Ann. 25-19-101 et seq.

COPYRIGHTED MATERIAL: Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law and should be related to City work.

IMPORTING, INSTALLING SOFTWARE/HARDWARE: Employees shall not download or install any software, hardware, or make modifications/upgrades to any EMD without prior approval from the Director of Information Technology. All installation and importing of software or programs shall be conducted under the following guidelines to ensure protection from computer viruses.

Information stored or received on a floppy disk shall be scanned for viruses prior to installation on any city computer.

External materials or applications may not be downloaded directly to any shared (network) drive.

Employees shall observe copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

- Authorized employees may remove any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided.
- Privately owned software may be loaded on city computers with approval from the Director of Information Technology if it is necessary for business purposes and is properly licensed. Personal software will be removed if it conflicts with city hardware or software, interferes with the ability of other members to access or utilize the computer or occupies excessive storage space needed by the city.

The Director of Information Technology must authorize all hardware enhancements or additions to city owned equipment. The IT Director is responsible for determining proper installation procedures if approved.

COMPUTER ETHICS: Employees have a responsibility to conduct themselves in an ethical manner. The following information suggests some areas where ethics issues will arise and provides some suggestions on how to deal with those issues:

- Data obtained inappropriately should not be used.
- Finding and reporting a system weakness is not a license to take advantage of it.
- Every user has a responsibility to produce acceptable work and be accountable for that work.
- Organizations and individuals have rights to privacy.
- Where confidentiality of information is unclear, it should not be divulged.
- Electronic mail should be treated as privileged in same manner as first class U.S. mail.
- Use of personal information voluntarily provided, for purposes other than agreed to, is unethical.

SECURITY AND SAFETY: To avoid breaches of security, employees shall log off any personal computer that has access to the City’s computer network, electronic mail, the Internet or sensitive information whenever they are away from their computer for an extended period of time or at the end of their work period. Employees shall lock their computer using the Ctrl-Alt-Del function whenever they leave their computer for a short period of time (break, copying, faxing, etc.).

Employees should keep sensitive information from being viewed by unauthorized persons while it is being displayed on a computer. Closing, obscuring the display or by locking their computer using the Ctrl-Alt-Del function.

When an employee resigns or is terminated the Director of Information Technology must be notified immediately so the employee’s accounts can be closed.

AUDITS: The Director of Information Technology or authorized persons will conduct periodic audits to assure compliance with the City policy. Employee action or inaction contradictory to this policy, in part or in its entirety, may lead to disciplinary action up to and including termination.

CELLULAR TELEPHONE POLICY

PURPOSE: The purpose of this document is to establish policy for the distribution and use of cellular telephones and pagers, to ensure that the use of cell phones is properly authorized and monitored, and to ensure that the City is properly reimbursed as necessary for personal use of city-paid cellular telephones. The cellular telephone is a valuable tool for delivering services to our citizens, and a means of maintaining essential contact with staff. It is important, however, to also recognize that the costs of cellular telephone use is significant, and must be tracked closely to insure that costs are under control. The City reserves the right to assign or reassign communication

equipment based solely on management decisions. The City provided telephone is available to conduct city business. Abuse of the telephone system, including but not limited to conducting business related to outside employment or business ownership, making or receiving excessive personal calls, and disclosing confidential information over the phone may result in disciplinary action, including termination.

The City periodically solicits formal bids for cellular telephone service for all City employees. These services are contracted with outside vendors. The city utilizes cellular telephone service for employees who are frequently out of the office, away from a standard landline phone, and in need of immediate access to telephone service. These services are intended to maximize communications between employees and ultimately save time and enhance response times.

POLICY:

- City employees who are authorized to utilize cellular phones and/or pagers are assigned numbers and equipment by the Communications Coordinator. Periodically, supervisors should evaluate which employees need to continue use of a cellular telephone and/or pager.
- Cellular telephones should not be used when a less costly alternative method is safe, convenient, and readily available (i.e., landline phone, pager, etc.).
- While traveling outside the local calling area employees should utilize landline phones whenever possible to avoid expensive roaming charges.
- Personal phone calls should be kept to a minimum. Department supervisors are to review monthly billings and ascertain if excessive personal use necessitates reimbursement by an employee. Reimbursement for incidental personal use, if kept at a minimum, is not considered to be cost effective.
- All inquiries and requests for new equipment shall be directed to the Communications Coordinator. Service requests must include an account number to be charged for monthly expenses and must have an authorizing signature from the Department Head and Mayor.
- Reassignment of existing equipment to another employee must follow the same provision for establishing new equipment. Replacement, disposal, or return of communication equipment that is no longer needed must be returned to the Communications Coordinator with all related accessories and user manuals.
- Employees must return all communications equipment and accessories to the Communications Coordinator immediately upon termination.
- Department supervisors should provide a copy of this policy to all employees who are issued communications equipment.

PROCEDURES: User Qualification:

- Employees may qualify for a city-paid cellular telephone if the Department Head has determined it to be required for the effective performance of their job;
- the employee provides a vital service to the city, where it may be necessary to contact them at any time;
- the employee has a job that requires frequent travel, such that they are normally away from their office during the working day; and/or
- the employee is a Department Head.

USE OF CELL PHONES:

- Cell phones are only to be used by, or under the immediate supervision of the individual to whom it was issued.
- Use of city-paid cell phones are for business use only. Incidental personal use is allowed, but should be kept to a minimum. As a general rule personal telephone calls are

discouraged. The City recognizes that under certain circumstances, an employee will need to make or receive a telephone call of a personal nature from a business phone. Those calls must be held to a minimum in both time and number. When an employee lives outside the immediate area and a personal call results in a charge being assessed to the department, established procedures should be followed to reimburse the City for the cost of the call(s). However, because the fee is substantially lower than that assessed for long distance calls, it is normally not cost effective to pursue reimbursement.

- Excessive personal use should be reimbursed. A personal check for the amount due, along with a copy of the invoice should be sent to Michael Garrett, City Clerk, indicating the appropriate department.
- City-paid cell phones should be carried while on duty, and off duty as directed by the supervisor.
- Detailed call billing is required, if available.
- Hands-free (earbud) attachments should be used if the phone is used while driving a vehicle.
- No more than one cellular phone will be approved for an employee.
- Employees shall be responsible for the safekeeping, care and custody of the cell phone assigned to them. Lost or stolen phones must be reported to the cellular company as quickly as possible.
- Employees must return the city-owned cell phone before leaving city employment. Department supervisors shall insure that phone service is turned off, or re-assigned if a staff member leaves city employment.
- The department supervisor shall periodically review the choice of billing options, considering:
 - The demonstrated need for cellular telephone for each specific user;
 - The most economical billing option for each specific user; and
 - Documented review of personal use and business use.
- Department Heads and Managers are responsible for determining the level and type of telephone service each employee needs to do his/her work. Management is also responsible for regularly reviewing monthly telephone billing statements and investigating odd calling patterns, unexpected charges or unusual frequency of numbers called. Department heads and managers will direct reimbursement of charges for personal calls and consult with Human Resources regarding potential disciplinary action.

Service Suppliers and Equipment:

- The City has negotiated a city-wide service plan for cellular phone service and equipment. This plan will be reviewed periodically to insure that the service best meets the needs of the City at the most reasonable cost.
- Qualified employees should be provided a handsfree or earbud unit for use in a vehicle.

TELEWORKING

As a governmental employer providing services to the residents of Conway, the City of Conway has a special obligation to ensure employees and work resources are used efficiently and productively. Teleworking, or telecommuting, is the concept of working from home or other alternative location away from City offices or property. It is not a formal, universal employee benefit and will only be considered in limited, extenuating circumstances and for a specific temporary time period.

The decision to allow an employee to temporarily telework is wholly within the discretion of the department director and must be approved by the Mayor.

PURCHASING POLICES AND PROCEDURES

I. Introduction

One of the objectives of the City of Conway is to achieve the best possible balance between minimizing the cost of City expenditures for goods and services and insuring reasonable response and flexibility in procurement of goods and services. All employees involved in any phase of purchasing for the City of Conway have the responsibility to insure that all applicable federal, state and local regulations are adhered to and to operate within appropriate ethical guidelines. The City Council has indicated their desire for the City to follow standardized purchasing procedures throughout the City.

II. Authority to Purchase

Specific levels of authorization for purchases of all supplies, apparatus, equipment and materials for the City of Conway were approved by the City Council through Ordinance 0-95-52. This ordinance is incorporated in the Conway Municipal Code and is consistent with the municipal governance issued by the State of Arkansas. The City of Conway adheres to both the City code and State law and this document is intended to provide practical guidance on the purchasing procedures for the City of Conway and is not in any way to be considered a complete authority on purchasing requirements by law. The intent of Council is that the policy will be applied and followed prior to any commitment made for purchases. The City Council has the authority to establish and change purchasing policies. The following information is based on current policy and is subject to change. Departments should stay apprised of any Council actions affecting purchasing policies.

III. Current Authorization Levels and Approval Hierarchy

As currently prescribed by the above stated ordinance but subject to change at the discretion of council, the Mayor (or his designated representative) is authorized to make purchases of all supplies, apparatus, equipment and materials for the City of Conway where the total expenditure is below the sum of twenty thousand dollars (\$20,000) and within budget limit. Specific requirements exist as to the documentation required by the Mayor's office before approval is granted, as discussed in Section IV.

Purchases or contracts exceeding an estimated purchase price of twenty thousand dollars (\$20,000) shall be awarded by the City Council upon review of competitive sealed bidding, unless approval of a waiver of bid is obtained by evidence of an ordinance. State statute provides specific procedures to be followed by the City obtaining competitive sealed bids. In accordance with state law, procurement requirements shall not be artificially divided so as to constitute a purchase under the bid threshold (i.e., invoice splitting to avoid bid requirements is not permitted). In those instances where the departments determine that purchase from a sole source provider is in the best interest of the City, justification must be presented to Council with the request to approve an ordinance awarding the purchase on the basis of sole source provider. In this instance, the vendor of choice must be identified within the ordinance in order to allow Council to consider the request and, if approved, authorize the Finance Department to release a purchase order to that particular vendor. In summary, the decision of which vendor will receive the City's business for purchases over \$20,000 rests in the hands of Council and must be demonstrated through formal action (specifically, (a) a voice acceptance of a bid; (b) passage of an ordinance for a waiver of bid or (c) passage of an ordinance authorizing use of a sole source vendor).

The determination of whether a purchase exceeds the threshold for bid requirements will require some degree of professional judgment at the department level and may necessitate consulting with the Finance Department. The purchase of component parts which would not have been purchased

separately but require each of the components in order to function for the purpose intended by the City would be viewed as one purchase in the aggregate. Another consideration is the accumulated expenditures of a specific item from one particular vendor. The bid threshold will also be considered to have been reached if the aggregate of similar items from one vendor will exceed the bid threshold over a reasonable period of time, such as a calendar year. Repeated small quantity procurements which intentionally or unintentionally circumvent the competitive bid limits are considered by state law to be failure to obtain competitive bids without justification and are deemed to be a violation of purchasing procedures.

Established bid thresholds apply to any expenditure made through the City of Conway, regardless of the funding source. For example, purchases made with federal funding must adhere to the bid threshold established by the City Council and are not subject to the higher federal bid threshold.

Goods and services purchased at state bid prices are exempt from the bid requirements noted above. However, departments are responsible for researching and obtaining quotes, if necessary, in order to document that the state bid price is the lowest price available.

State statute will be applied for multiyear contracts, resolution of protested solicitations and awards and any other purchasing situations not specifically addressed in the City code.

IV. Purchasing Procedures

The City's purchase order ("PO") system provides management with the tools to process purchase requests and is required for any purchase beginning January 1, 2011 (Springbrook Requirement). The PO system verifies that budgeted funding is in place for any purchase and encumbers, or "reserves" funds for subsequent payment. If funds are not available, the department will be required to prepare and submit a budget transfer form to transfer funds from another account, if available, or to request Council that funds be appropriated through approval of an ordinance. Currently, items for Council consideration must be submitted to the Mayor's office by noon on the Wednesday prior to the Council meeting. Transfers between the budgeted accounts require approval of the Mayor (or his designated representative) and, at his discretion, Council approval.

Purchases in excess of \$1,000 require the approval of the Mayor and are routed automatically to his office for consideration. Purchases are not considered approved until the department receives back the PO, initialed by the Mayor for those purchases in excess of \$1,000. Departments are authorized to make purchases on behalf of the City only upon receipt of an approved PO (for purchases in excess of \$1,000).

Approved POs are routed by the departments as follows:

Original PO is returned to Finance with the invoice for payment. Invoices will not be paid without an attached PO.

Purchases in excess of \$1,000 but less than \$20,000 require three quotes. These quotes may be verbal or written, but are to be included as documentation of the request and must be included on the face of the PO. A department may determine that the City's interest will be better served by obtaining competitive sealed bids for purchases below \$20,000 and may do so. Purchases in excess of \$20,000 must indicate on the face of the PO the date Council considered and approved bids or the Ordinance number approved by Council authorizing sole source vendor or bid waiver or the fact that the purchase is made under state contract. If the purchase is made through the state contract, a copy of the documentation clearly indicating that the purchase is through a state contract approved vendor and that the goods or services are specifically included in the state contract, must be provided to the Finance Department before the PO will be produced and provided for consideration by the Mayor.

Once approved, departments may purchase the goods or services from the vendor. Upon receipt of an invoice, the original invoice and PO are forwarded to the Finance Department for payment.

V. Federal Grant Requirements

The City of Conway receives significant funding from Federal grants. It is important that City purchasing procedures insure that Federal requirements are met. Specifically, purchases that are funded with Federal money require government wide debarment and suspension review. Additionally, vendor verification must be performed by checking the Excluded Parties List System (www.epls.gov). Individual Conflict of Interest statements must be obtained from persons responsible for procurement of goods and services. Other requirements based on individual Federal grants must be completed.

VI. Conflict of Interest Policy

Purpose – The City of Conway must ensure that all its transactions are completed according to its policies and procedures. An important aspect of this vision is to make sure that no real or perceived “conflicts of interest” arise. Therefore, the city requires a statement from persons responsible for procurement of goods and services, if a conflict of interest may exist. The statement is attached as Exhibit A.

Exhibit A

City of Conway
Conflict of Interest Disclosure Statement

1. Name _____

2. Capacity _____

I HEREBY CONFIRM that I am in compliance with the City of Conway purchasing policies and procedures. I am not aware of any real or perceived conflicts that would limit my effectiveness in performing my duties for the city. I agree that if I become aware of information that might change this disclosure or that I have not complied with this policy; I will notify the mayor immediately.

Signature

Date

Section II: Employment Benefits

VACATION BENEFITS

INFORMATION FOR ALL EMPLOYEES

Waiting Period for Vacation Usage / Cash Out / or Pay Out: When an employee is either hired into or transfers into a full-time position, vacation time begins to accrue. However, no vacation can be used, be available for the Cash Out Option or be available for pay out if the employee leaves the employment of the City of Conway during the first 12 months of full time employment. This is the waiting period. If the employee has a significant leave of absence during this 12-month period (except for military leave of absence), the waiting period for use of vacation time may be lengthened by the time of the leave of absence. Vacation time is accrued per pay period. Approved vacation time can be used in the pay period after it is earned. Vacation can be used for illness when you do not have sick time available. It cannot be transferred or sold to another employee.

Minimum Increments of Vacation Time: The smallest amount of vacation time that can be scheduled is 24 hours for Firefighters and one hour for all other employees.

Amount of Pay for Vacation Time: Vacation time is paid at the current base rate of pay.

Approval for use of Vacation Time: Approval must be obtained by your supervisor in advance of taking vacation time off. It is the City's intent to accommodate an employee's wishes for time off; but the efficient and effective management of daily operations must also be considered in approving and scheduling requests for time off. Department heads are responsible for administering vacation time for their departments. The Mayor must approve exceptions. Refer to your specific department policies for further details.

What if you become ill while on Vacation: If you are off on approved vacation and become ill, vacation time will be used unless you furnish appropriate documentation from your physician when you return to work.

What if you have vacation before and/or after a holiday: An employee can request and be granted vacation time before and/or after a holiday. Pay for hours off before and/or after the holiday will be from the vacation account. The employee will be paid 8 hours holiday pay for the holiday.

Cash Out Options: The City may choose to offer a vacation cash out option to employees. If offered, eligible employees may cash out accrued vacation leave. (Minimum of 8 hours and a maximum of 80 hours) At no time can employees reduce their vacation leave account below 80 hours through a cash out. In addition, employees must have a minimum of 80 hours in their sick leave account to be eligible to participate in the cash out option. There will be no exceptions to this, even for emergencies. Requests for Cash Outs must be made on designated forms and reach the Finance Office by the September or April deadline listed on the forms. Payments will be made by way of payroll checks on or after the 14th of those months. The rate of pay for the cash outs is the rate of pay as of the deadline listed on the Cash Out form for the respective month.

Maximum Accruals: Different classifications of jobs may have different accrual schedules. Refer to the section for your group below. Once you reach the maximum accrual level, no more vacation accrues until your balance is below maximum. When the account is below maximum, accruals will begin again.

Coordination with Workers' Compensation: Disabled employees receiving disability wages from our Workers' Comp insurance carrier may add to their disability wages by using sick, vacation,

administrative and comp time from their accounts. Under no circumstances can the total paid (from both Workers' Comp and the City) be more than the normal base wage.

INFORMATION FOR ALL EMPLOYEES (Continued)

Departing Employees: When an employee who has been employed at least 12 full months leaves the employment of the City through resignation, termination, death or retirement, vacation that has been earned and awarded through the last day actually worked can be paid out (up to the maximum level of accrual). Except when ending employment from a Family Medical Leave Absence (FMLA), no vacation time can be used to fulfill a notice of resignation or retirement. In the event of the death of an employee, any pay and vacation due will be paid "to the estate of" the employee.

VACATION BENEFITS

NON-CIVIL SERVICE POSITIONS

Accrual Schedule: Note annual maximums are in ().

<u>Years of Service</u>	<u>Vacation</u>
Less than 3 years	3.08 hours/pay period (80 hours)
After 3 rd anniversary	3.70 hours/pay period (96 hours)
After 5 th anniversary	4.62 hours/pay period (120 hours)
After 10 th anniversary	4.93 hours/pay period (128 hours)
After 11 th anniversary	5.24 hours/pay period (136 hours)
After 15 th anniversary	6.16 hours/pay period (160 hours)
After 25 th anniversary	6.77 hours/pay period (176 hours)

Maximum Accrual: The maximum vacation time you can accrue is 30 eight-hour days or 240 hours. When you reach this level, no more vacation accrues until your balance is below maximum. This is also the maximum amount of vacation you can receive in cash when you depart your employment.

NOTE: Different accrual schedules are used for Police Officers and Firefighters in order to accommodate for the 8 hour versus 24-hour work periods.

POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with AC140520106)

Accrual Schedule: Note annual maximums are in ().

<u>Years of Service</u>	<u>Vacation</u>
From 0 through 9 years	4.62 hours/pay period (120 hours)
After 10 th anniversary	4.93 hours/pay period (128 hours)
After 11 th anniversary	5.24 hours/pay period (136 hours)
After 15 th anniversary	6.16 hours/pay period (160 hours)
After 25 th anniversary	6.77 hours/pay period (176 hours)

Maximum Accrual: The maximum vacation time you can accrue is 30 eight-hour days or 240 hours. When you reach this level, no more vacation accrues until hour balance is below maximum. This is also the maximum amount of vacation you can receive in cash when you depart you employment.

FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-107)

Accrual Schedule: Note annual maximums are in ().

<u>Years of Service</u>	<u>Vacation</u>
From 0 through 6 years	4.62 hours/pay period (120 hours)
After 6 th anniversary	5.54 hours/pay period (144 hours)
After 8 th anniversary	6.47 hours/pay period (168 hours)
After 10 th anniversary	7.39 hours/pay period (192 hours)
After 12 th anniversary	8.31 hours/pay period (216 hours)
After 14 th anniversary and later	9.24 hours/pay period (240 hours)

Maximum Accrual: The maximum vacation time you can accrue and carry over to the next calendar year is 15 twenty-four hour days or 360 hours. When you reach this level, no more vacation accrues until your balance is below maximum. This is also the maximum amount of vacation you can receive in cash when you depart your employment.

Policies concerning vacation time in no way alter the City of Conway's at will employment policy as described in this Personnel Handbook.

SCHEDULING VACATIONS

Each full time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of the employee's supervisor, so that the leave fits into the overall scheduling of the department.

HOLIDAYS

Certain paid holidays are recognized by the City and available to all full time employees (including those in their Probationary Period). There is no waiting period for eligibility.

INFORMATION FOR ALL EMPLOYEES

HOLIDAYS: The City recognizes eleven (11) holidays. Only the Mayor can proclaim additional days as Administrative Holidays. The recognized holidays are:

- New Year's Day – **January 1**
- Martin Luther King, Jr.'s. – **3rd Monday in January**
- George Washington's Birthday and Daisy Gatson Bates Day – **3rd Monday in February**
- Memorial Day – **Last Monday in May**
- Independence Day – **July 4**
- Labor Day – **1st Monday in September**
- Veterans Day – **November 11**
- Thanksgiving Day – **4th Thursday in November**
- Christmas Eve – **December 24**
- Christmas Day – **December 25**
- Employee's Birthday – (Must be on payroll on date of birthday to receive as holiday)

In general, when a holiday falls on a Saturday, it will be observed on the proceeding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday.

Eligibility: All full-time employees are eligible for holiday pay. However, you must work your normally scheduled workday before and after the holiday in order to receive holiday pay. Only excused absences will be considered exceptions to this policy. If a holiday occurs during your previously approved scheduled vacation, you are eligible for holiday pay. You are not eligible to receive holiday pay when you are on an unpaid leave of absence.

When you are required to work on a Holiday or an Administrative Holiday: You shall be paid at your regular rate of pay for all hours worked. You will also receive **either** 8 hours of holiday pay **or** 8 hours of Administrative time. Under no circumstances can you receive both 8 hours holiday pay and 8 hours of Administrative time.

When you are not scheduled to work on a Holiday or Administrative Holiday: (This would only apply to employees whose working schedule is not eight hours/day, Monday through Friday.) You will receive 8 hours of Administrative time.

When your normal work schedule falls on a Holiday or Administrative Holiday and you are approved to be off: You will receive **either** 8 hours holiday pay **or** 8 hours of Administrative time. Under no circumstances can you receive both.

Usage of Holiday and Administrative Holiday Time: This time can only be used for approved (by the Department Head) time off and is not eligible for pay out at the end of employment. It cannot be transferred or sold to another employee. While there is no maximum amount of hours of Holiday/Administrative Time an employee can maintain, the maximum usage for consecutive time off is 120 hours.

Rate of Pay for Holidays: Employees are paid eight (8) hours pay at the current base rate of pay.

POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-52-105)

All sworn Police Officer personnel are to be treated as outlined above regarding Holidays and Administrative Holidays. Per Arkansas Statutes, they are also awarded 88 hours of holiday pay in addition to the regular rate of pay. The state mandated holiday pay is included in the base rate of pay for these positions.

FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-106)

All firefighter personnel are to be treated as outlined above regarding Holidays and Administrative Holidays. Per Arkansas Statutes, they are also awarded 88 hours of holiday pay in addition to the regular rate of pay. The state mandated holiday pay is included in the base rate of pay for these positions.

SICK LEAVE

INFORMATION FOR ALL EMPLOYEES

When an employee is hired into or transfers into a full-time position, he or she becomes eligible for sick time. There are specific rules and regulations regarding accruals, waiting periods and usage that are outlined in the sections below. Please refer to the section that affects your position for further information. In addition, your Department Head is responsible for administering Sick time and may have specific rules and regulations for reporting sick time. You are responsible to obtain that information and follow your department's rules. Sick time cannot be sold to another employee. Approved Sick time can be used in the pay period after it is earned. You may not work in a secondary employment situation while on sick leave.

Usage of Sick Time: Misuse of Sick time may result in disciplinary action up to and including termination. Sick time can be used for the following reasons:

- Personal illness or physical incapacity including quarantine by a physician or health officer.
- Illness in the immediate family, which would require the employee to take care of the family member(s). NOTE: Immediate family is defined as spouse, child, grandchild, parent, sister, brother, grandparent, in-laws, or a person acting as parent or guardian of the employee.
- Medical, dental and optical treatments.
- Employees are prohibited from working outside employment while using sick leave, non-paid leave, and FMLA.

Minimum Increments of Sick Time Usage: One hour.

Amount of Pay for Sick Time: Sick time is paid at the current base rate of pay.

Notification Requirements: Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor (or designee) must also be contacted on each additional day of absence unless the employee's physician has designated a defined period of time off. If an employee is absent for three or more consecutive workdays due to illness or injury (or two consecutive shifts for Firefighters), a physician's statement must be provided verifying the disability and its beginning and expected ending dates and for returning to work purposes. Such verification may also be requested for other sick leave absences as well and may be required as a condition to receive sick time benefits.

What if you get sick while on Vacation: If you are away on approved vacation and become ill, vacation time will be used unless you furnish appropriate documentation from your physician when you return to work.

What if you are ill before and/or after a holiday: Typically, if you call in Sick the scheduled workday either before and/or after a holiday, you will be required to furnish a physician's verification of the illness. Without such verification, your eligibility for Sick leave or Holiday pay will be at the Department Head's discretion. Refer to the section of Attendance for further information.

Maximum Accruals: Different classifications of jobs may have different accrual schedules such as for Police Officers and Firefighters in order to accommodate the eight versus 24-hour work periods. The intent is to make the possibility for consecutive days off to be comparable. Refer to the section for your group below. Once you reach the maximum level, no more sick leave accrues until your balance is below maximum. When the account is below maximum, accruals will resume.

DONATION OF SICK AND/OR ADMINISTRATIVE/HOLIDAY HOURS

The City of Conway recognizes the need to allow employees to donate their sick and/or administrative/holiday hours to other eligible employees under certain circumstances.

Employees who have exhausted all available leave time and who present documentation of an ongoing personal illness/injury from a physician may be eligible to receive donated sick and/or administrative/holiday hours.

Components:

- The employee must have exhausted all available leave hours, including vacation hours.

- The employee must present the HR department with documentation of an ongoing personal illness/injury from a physician.
- The employee who wishes to donate hours must obtain a form from HR, complete the same, and return it to the HR office. HR will verify hours and submit the form to payroll.
- The employee who wishes to donate hours must maintain a minimum balance of 40 hours of sick leave in their respective sick leave account in order to be eligible to donate sick and/or administrative/holiday hours.
- A minimum of four (4.0) sick and/or administrative/holiday hours may be donated per pay period. After the minimum of four (4.0) hours are donated, additional hours may be donated in one (1.0) hour increments.

NON-CIVIL SERVICE POSITIONS

Accrual Schedule: Full time employees earn 3.70 hours of sick leave per pay period for a yearly maximum of 96 hours.

Waiting Period: When an employee is hired into or transfers into a full-time position, sick time begins to accrue. However, no sick time can be used for six (6) months.

Maximum Accrual: The maximum sick time you can accrue is 60 eight-hour days or 480 hours. When you reach this level, no more sick time accrues until your balance is below maximum.

Departing Employees: When an employee leaves the employment of the City due to death or when going immediately to a pension-receiving retirement status, sick time earned through the last day actually worked will be paid out up to a maximum accrual of 480 hours.

POLICE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-52-107)

Accrual Schedule: All sworn personnel accrue sick leave beginning one year after their hire into or transfer into a full time position. The rate of accrual is 6.16 hours per pay period for a yearly maximum of 160 hours.

Maximum Accrual: The maximum sick time you can accrue is 60 eight-hour days or 480 hours. When you reach this level, no more sick time accrues until your balance is below maximum.

Departing Employees: When an employee leaves the employment of the City due to death or when going immediately to a pension-receiving retirement status, sick time earned through the last day actually worked will be paid out up to a maximum accrual of 480 hours.

FIRE DEPARTMENT CIVIL SERVICE POSITIONS (In accordance with ACA 14-53-108)

Accrual Schedule: All firefighter personnel accrue sick leave beginning one year after their hire into or transfer into a full time position. The rate of accrual is 9.24 hours per pay period for a yearly maximum of 240 hours.

Maximum Accrual: The maximum sick time you can accrue is 1440 hours. When you reach this level, no more sick time accrues until your balance is below maximum.

Departing Employees: When an employee leaves the employment of the City due to death or when going immediately to a pension-receiving retirement status, sick time earned through the last day actually worked will be paid out up to a maximum accrual of 720 hours.

MATERNITY LEAVE

Employees affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment –related purposes as persons with non-pregnancy-related health impairments, illnesses or injuries.

BEREAVEMENT LEAVE

The City of Conway recognizes the need for employees to have time off to attend to details and to cope with emotions that are a direct result of a loss of a member of his/her immediate family.

Employees who suffer a death in their immediate family will be granted up to three (3) days of paid leave of absence.

For the purpose of Bereavement Leave, “one day off with pay” shall be defined as 8 hours of paid leave of absence. This definition shall be applied uniformly, regardless of the length of shift that an employee typically works in the normal source of his/her job duties.

One day off with pay will be granted to an employee for the death of their spouse’s grandparents, grandchild, sister or brother.

- Immediate family is defined as spouse, child, parent, sister, brother, grandparent, grandchild, mother-in-law, father-in-law or a person acting as parent or guardian of the employee.
- Employees who are notified of a death in their immediate family while at work, and leave early, shall be paid for the hours not worked. The amount of pay shall be the balance of the time remaining on the employee’s shift for that day not exceeding 8 hours of paid leave. These hours will not count toward the three (3) days paid leave of absence.
- Pay in lieu of taking bereavement time off is not permitted.
- Bereavement leave must occur at the time of the family member’s death. These days must be consecutive and are allowed only immediately adjacent to the funeral, one of which must be the day of the funeral. Any unusual circumstances and requests for time off paid or not paid should be approved by the Department Head and reviewed by Human Resources prior to authorization.
- Documentation may be required prior to receiving Bereavement pay. This requirement will be at the Department Head’s discretion.

FAMILY MEDICAL LEAVE

The Family Medical Leave Act of 1993 requires covered employers to offer up to twelve (12) weeks of **unpaid**, job-protected leave in a twelve (12) month period to eligible employees for certain family and medical reasons. The City has defined the 12-month period as the calendar year. An eligible employee who is a covered service member’s spouse, child, parent, or next of kin may also take up to twenty-six (26) weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness

ELIGIBILITY

You are eligible for a Family Medical Leave of Absence (FMLA) after you have been employed with the city for at least one year and have actually physically worked 1250 hours in the last 12 months.

REASONS FOR TAKING FMLA

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.
- Caregiver leave for an injured service member. Provides 26 weeks of FMLA to care for a spouse, son, daughter, parent or nearest blood relative injured recovering service member.
- Family leave due to a call to Active Duty . Provides 12 weeks of FMLA due to a spouse, son daughter or parent being on active duty or being notified of an impending call to active duty.

SERIOUS HEALTH CONDITIONS

A serious health condition is one that meets one of the definitions in Title 29 of the Code of Federal Regulations, Section 825.114. Generally stated, it is an illness, injury, impairment or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated would likely result in a period of incapacity of more than three calendar days.

MEDICAL CERTIFICATION

Medical certification is required in all instances of FMLA. Certification forms are available from Human Resources and should be completed by the attending physician within 15 days. These completed forms will be maintained by Human Resources in a confidential medical file. You may also be requested to provide recertification and periodic reports on your intent to return to work.

USE OF PAID TIME OFF BENEFITS

Except for Workers' Compensation FMLA absences, you will be required to use your available Sick, Vacation, Administrative, and Comp Time during the 12 weeks FMLA. If you do not have enough paid leave time for duration of your FMLA, the remainder of the 12 weeks will be unpaid.

NOTIFICATION

You must provide the City thirty (30) days written notice of your need to be absent for FMLA when the need is foreseeable or predictable. The City Human Resources Department will provide appropriate forms for you to complete. However, if emergency conditions prevent a 30-day notification, you must notify the City Human Resources Department as soon as practical.

OTHER EMPLOYMENT

While off work on a FMLA absence, you are prohibited from working for another employer.

SCHEDULING OF MEDICAL TREATMENTS

You must make a reasonable effort to schedule treatment so as not to interrupt the operations of the City, subject to the approval of the health care provider.

INTERMITTENT OR REDUCED LEAVE

In the case of a serious health condition of you or your family member, you may take leave intermittently or on a reduced work schedule if medically necessary. The shortest period of intermittent leave is one hour. If you are on FMLA for the birth or adoption of a child, you may also take leave intermittently or a reduced work schedule. However, this may only be done with permission and approval of your Department Head and the Mayor. If you request intermittent or reduced leave status, the City may temporarily transfer you to another job with equivalent pay and benefits that better accommodates that type of leave.

LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

If FMLA is taken for the adoption or birth of a healthy child, the maximum combined for both spouses is 12 weeks. If FMLA is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

EMPLOYEE BENEFITS

During your FMLA your health care benefits will continue. Both you and the City will be required to pay the customary portions of your monthly health insurance premium. If you did not have sufficient paid leave to cover your entire FMLA and the City made payments on your behalf, when you return to work you must authorize the City to automatically deduct from your paychecks any amounts the City has paid for you. If you do not return to work for at least 30 calendar days after the expiration of your leave, then you will be required to reimburse the City for its payments of health insurance premiums for you during your leave. However, if you do not return because of a serious health condition that prevents you from performing your job, then reimbursement is not expected.

RETURNING TO WORK

If your FMLA is due to your own serious health condition, you must provide the City with a Certification from your health care provider of your fitness to return to work before you will be permitted to return to work.

Upon returning from your FMLA, you are entitled to return either to the same position you held when your FMLA began, or to a position with equivalent benefits and pay. You are not guaranteed the same position you had before the FMLA. It should be understood that certain highly compensated salaried employees are eligible for FMLA, but are not guaranteed restoration to their positions if they take FMLA.

If you do not return to work at the end of your FMLA, the City may assume that you have abandoned your job.

DISPUTE RESOLUTION

If there is a disagreement that occurs over the medical opinion provided by your physician, the City may require a second or third medical opinion. These opinions will be at the City's expense.

JURY AND WITNESS DUTY

Any full-time or part-time employee who will have to lose scheduled working time during selection or service as a juror in a federal or state court or who serves as a witness on City business will be eligible for pay for court time. The amount of pay will be at the regular base wage for the scheduled work time lost. You must provide the summons or other relevant court-related paperwork and give your supervisor prior notification of the duty.

Court time for personal business including actions you bring against the City will not be covered by this policy and should be treated as any other personal time off.

MILITARY DUTY

UNIFORMED SERVICES

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 USC 4301 et seq., and in Ark. Code Ann. § 21-4-102, § 21-4-203 and § 21-4-212. It is the City's policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the rights of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

ANNUAL MILITARY TRAINING

In accordance with A.C.A. 21-4-102 and A.C.A. 21-4-212, employees who are members of the National Guard or any of the reserve branches of the armed forces will be paid their regular base wage for annual training requirements. The military training leave will be limited to fifteen (15) eight (8) hour workdays plus necessary travel. **If any of the 15 days is not used during the calendar year, those unused days can be carried over to the next year with the maximum days available in any calendar year to be thirty (30) eight (8) hour workdays.**

EMERGENCY LEAVE

An employee who is a member of the Armed Forces Reserve or National Guard, who is called to active duty in an emergency situation by the Governor or by the President of the United States, will be entitled to a leave of absence. In addition, employees deployed to active military duty will be paid their regular base wage for 240 hours (30 days) of paid leave. After an employee is deployed to active military duty and receives 240 hours of pay, the employee is not eligible to receive any further military pay from us until he/she returns from active duty and either attends annual training or is deployed to active duty again.

OCCUPATIONAL INJURIES

All City employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the bulletin board located in City Hall.

LEAVE OF ABSENCE WITHOUT PAY

In special circumstances, the City may grant a leave for a personal reason, but never for taking employment elsewhere or going into business for yourself. All paid leave must be used before a leave of absence without pay is granted. Persons on Military leave are exempt from this requirement. You must be in a regular employment status and past the Probationary Period. You should request (in writing) an unpaid personal leave of absence from your Department Head. A personal leave of absence must not interfere with the operations of your department. Your Department Head will submit your request along with his or her recommendation to the Mayor for consideration and approval.

A personal unpaid leave of absence may be granted for up to thirty (30) days. If you fail to return from a leave at the time agreed to, the City will conclude that you have abandoned your job.

INSURANCE BENEFITS

EMPLOYEE LIFE INSURANCE BENEFITS

The City of Conway offers a group life insurance plan. All full-time employees are eligible to participate. Detailed information on the policy and coverage are given to you when you begin full-time employment with the City. Additional information is available from the Human Resources Department.

EMPLOYEE HEALTH AND OTHER BENEFITS

The City of Conway offers insurance that includes health and other coverage. All full-time employees have the option to participate in the insurance. Coverage may also include family members. Detailed information on available coverage is given to you when you begin full-time employment with the City. Additional information is available from the Human Resources Department.

BENEFITS CONTINUATION THROUGH COBRA

Certain qualifying events can occur which will result in the loss of eligibility for health insurance coverage under the City's plan. Some of the common qualifying events are resignation; termination of employment; death of the employee; a reduction in hours to a part-time status; leaves of absence; an employee's divorce or legal separation; and a dependent child no longer meeting the eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administrative fee. If a qualifying event occurs, you must notify the Human Resources

Department as soon as possible so that a written notice describing your rights can be given to you and you can decide what options you want to take.

SURVIVING SPOUSE/DEPENDENT ELIGIBILITY TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN

The spouse and/or eligible dependents of an active employee, whose death occurs after 06/01/2010, may continue to participate in the City's health care plan, receiving the same medical benefits and paying the same premium as active employees as long as the spouse and/or eligible dependents pays both employer and employee contribution to the health care plans. The spouse/dependents must have been participating in the plan at the time of the employee's death to be eligible. Eligible dependents, who are currently covered, may continue coverage until they lose dependent status.

The spouse and/or dependents eligible to participate in the health care plan may also participate in the dental plan as long as the spouse and/or eligible dependents pays both the employer and employee contribution to the dental plan. The spouse/dependents must have been participating in the plan at the time of the employee's death to be eligible.

To continue coverage, survivors must:

- a. Contact the Human Resources Department to indicate their desire to continue coverage within 30 (thirty) days of employee's death;
- b. Submit to the Human Resources Department any required continuation/enrollment forms within 45 (forty-five) days of employee's death;
- c. Submit to the City Clerk payment for all employer and employee contributions not withheld from employee's wages within 60 (sixty) days of employee's death; and
- d. Remain current on both employer and employee contributions.

RETIREES' ELIGIBILITY TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN

When any city official or city employee, regardless of age, who has completed twenty (20) years of service to the City of Conway and who is vested in the retirement system retires, the official or employee may continue to participate in the City's municipal health care plan, receiving the same medical benefits and paying the same premium as active employees as long as the retired official or employee pays both employer and employee contribution to the health care plans.

When any city official or city employee, age sixty (60) years or older who have completed ten (10) years of service to the City of Conway and who is vested in the retirement system retires, the official or employee may continue to participate in the City's municipal health care plan, receiving the same medical benefits and paying the same premium as active employees as long as the retired official or employee pays both employer and employee contribution to the health care plans.

Retired city officials and city employees eligible to participate in the health care plan may also participate in the dental plan as long as the official or employee pays both the employer and employee contribution to the dental plan.

Any city official or city employee who has retired from service to the City of Conway and who is currently participating in the City's municipal health care plan may continue to do so, receiving the same medical benefits and paying the same premium as active employees as long as the retired official or employee pays both employer and employee contributions to the health care plan.

To continue coverage, retirees must remain current on both employer and employee contributions.

The benefits conferred herein are granted solely to retirees who meet the above criteria, and are not a benefit or expected benefit for current employees who have not yet retired.

RETIREMENT AND PENSION PLANS

City Retirement Programs are governed by various Arkansas State Laws. For Retirement/Pension purposes, there are four categories of employees and therefore, four categories of Programs. In addition, there are different program rules for employees hired before 1/1/19183 and for those hired 1/1/1983 or later. Elected officials have the option not to participate in retirement programs. Some general information is presented below. However, refer to specific retirement materials and Statutes for further information.

DISTRICT COURT JUDGES AND CLERKS

Retirement is covered by A.C.A. 24-8-301 through A.C.A. 24-8-311 and appropriate amendments.

NON-CIVIL SERVICE EMPLOYEES

Retirement is covered by A.C.A. 24-12-101 through 24-12-204 and appropriate amendments.

All full-time eligible employees may participate. Regardless of hire date, the employee contributes 6% of gross wages through payroll deduction. The City contributes a matching 6%. Deductions are also made for Medicare and Social Security. Therefore, at retirement, the employee has a retirement pension and is eligible for Medicare and Social Security.

A Board of Trustees manages all funds.

Retirement Eligibility: You are vested after ten (10) years of eligible service. A normal pension is equal to half your salary as an active employee. Generally, you have the following options:

- At age 60 with 10 years service, you may retire.
- At any age with 20 years service, you may retire.
- With a minimum of 5 years, you may be eligible for disability retirement benefits.

Departing Employees: When an employee leaves the employment of the City through resignation or termination, he or she is entitled to receive all money the employee has contributed to the retirement plan (interest is not accumulated). A request for pension contribution is required to be made to the City Clerk. It is not automatically returned to you. If you are vested, request, and receive your pension contributions, you will not be eligible to receive a pension later.

POLICE OFFICERS HIRED 1/1/1983 AND LATER

Retirement is covered by Arkansas State Law, Act 364 of 1981. The Arkansas Local Police and Fire Retirement System (LOPFI) coordinate the program.

All full-time employees will participate. Employees do not contribute to the program. The City contributes at a rate determined by LOPFI. Employee deductions are made for Medicare and Social Security. Therefore, at retirement, the employee has a retirement pension and is eligible for Medicare and Social Security.

Retirement Eligibility: Your normal pension will be determined by your age and years of eligible service. Refer to current LOPFI information for specific information regarding your pension and eligibility. In general, you have the following options:

At age 60 with 5 years service, you may retire.
At age 55 with 20 years service, you may retire.
At any age, with 28 years of service, you may retire.
With a minimum of 5 years, you may be eligible for disability retirement benefits.

FIREFIGHTERS HIRED PRIOR TO 1.1.1983

Retirement is covered by A.C.A. 24-11-801 through 24-11-833 and appropriate amendments.

All full-time employees will participate. Employees contribute 6% of gross wages through payroll deduction. The City contributes at a rate determined by LOPFI. No deductions are made for Medicare and Social Security. Therefore, at retirement, the employee has a retirement pension but is not eligible for Medicare or Social Security.

A Board of Trustees manages all funds.

Retirement Eligibility: You are vested after twenty (20) years of eligible service. A normal pension is equal to half your salary as an active employee. Generally, you have the following options:

- At any age with 20 years service, you may retire.
- With a minimum of 5 years, you may be eligible for disability retirement benefits.

FIREFIGHTERS HIRED 1/1/1983 AND LATER

Retirement is covered by Arkansas State Law, Act 364 of 1981.
The Arkansas Local Police and Fire Retirement System (LOPFI) coordinate the program.

All full-time employees will participate. Employees contribute 8.5% of their gross wages through payroll deduction. The City contributes at a rate determined by LOPFI. Employee deductions are made for Medicare but not Social Security. Therefore, at retirement, the employee has a retirement pension and is eligible for Medicare but is not eligible for Social Security.

Retirement Eligibility: Your normal pension will be determined by your age and years of eligible service. Refer to current LOPFI information for specific information regarding your pension and eligibility. In general, you have the following options:

At age 60 with 5 years service, you may retire.
At age 55 with 20 years service, you may retire.
At any age, with 28 years of service, you may retire.
With a minimum of 5 years, you may be eligible for disability retirement benefits.

Section III: Matters Affecting the Status of the Employee

EMPLOYEE CLASSIFICATIONS

TYPES OF POSITIONS (or appointments):

Elected Officials: Four positions are elected positions and serve at the pleasure of the electorate for a designated period. These are the Mayor, the City Clerk-Treasurer, the City Attorney, and the Municipal Judge. They are paid an annual salary.

Full-time: Employees who are regularly scheduled to work the City's full-time schedule. They are eligible for the City's benefit package, subject to the terms, conditions, and limitation of each benefit program.

Part-time: Employees who are regularly scheduled to work less than 40 hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), part-time employees are not eligible for all of the city's other benefit programs.

Temporary: Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration with a maximum of 2 years. Any employment beyond any initially stated period does not in any way imply a change in employment status. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), temporary employees are not eligible for all of the City's other benefit programs.

Seasonal: Employees who are hired for a peak work period typically 5 months or less. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), seasonal employees are not eligible for all of the City's other benefit programs.

PROBATIONARY PERIOD

Newly hired or promoted employees are in a trial period. This is the period of time that the Department Head is evaluating the job performance to determine if further employment in the position or within the City is appropriate

Rehires: If you are rehired, your most recent date of hire is considered as your hire date for determination of Probationary Periods, vacation, sick, and other benefits.

The duration of the Probationary Period varies based upon the category of position. However, in each case the time period will reflect actual time worked. Any significant leave of absence may lengthen the probationary period by the absence time.

For Civil Service positions, new hires or rehires in the Conway Police Department have a 24-month probationary period; new hires or rehires in the Conway Fire Department have a 12-month probationary period. The probationary period for promoted employees is 6 months.

For Conway Emergency Operation Center positions, new hires or rehires have a 12-month probationary period. The probationary period for promoted employees is 6 months.

For Non-Civil Service positions, except CEOC, new hires or rehires have a 6-month probationary period. The probationary period for promoted employees is 3 months.

NON-EXEMPT AND EXEMPT EMPLOYEES

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

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

HOURS OF WORK

Not all City employees observe the same work schedule, but all are expected to work their designated shift and to devote their efforts to City business during working hours.

The City reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of Conway. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Department Head. Changes in work schedules will be announced as far in advance as possible.

Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided. It is the responsibility of the Department Head to manage and set meal and break schedules.

REPORTING AND VERIFYING HOURS WORKED

Accurate recording of time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees should accurately record the hours worked and approved time off on forms provided by the City. All employees must utilize City provided forms to request leave. All time off must be approved before it can be paid.

It is the responsibility of the employee to sign his or her time records to certify the accuracy of all time recorded. The supervisor is responsible to review and initial the time record before submitting it for payroll processing. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

PAY DAYS

Pay Cycles: The City pays employees on a two-week cycle. The typical payroll period begins at 12:00 am (Midnight) Sunday and ends fourteen days later on 12:00 a.m. (Midnight) Saturday. The Fire Department payroll ends at 7:00 a.m. Sunday. Paydays are every other Friday after the end of the payroll cycle. In the event that a regularly scheduled payday falls on a day off such as a holiday, every effort will be made to ensure that employees will receive pay on the last day of work before the regularly scheduled payday. Pay advances on unearned wages to employees are not allowed.

Direct Deposit: Employees may have pay directly deposited into their bank account if they provide advance written authorization to the City. Employees will receive an itemized statement of wages when the City makes direct deposit.

Pay Errors: The City will make every effort to ensure that employees are paid promptly and accurately. In the unlikely event that there is an error in the amount of pay, the employee should bring it to the attention of the Payroll Department as soon as possible. If the error was the fault of the City, corrections will be made as soon as possible. If the error was a result of the employee, corrections may be made in the next paycheck cycle.

OVERTIME/COMPENSATORY TIME

All overtime work must always be approved by the Department Head before it is performed. Overtime work is calculated in accordance with the Fair Labor Standards Act (FLSA).

As a Government entity, the City of Conway may pay overtime pay to employees for appropriate hours worked or award compensatory time (“comp time”) to employees to be utilized as paid time off at a later date. Department Heads are responsible to oversee the schedules for hours worked and the awarding of overtime pay or compensatory time for their departments.

Eligibility: Only employees in non-exempt positions qualify for overtime pay or compensatory time. Firefighters are eligible for overtime pay or compensatory time when they have actually worked more than 106 hours in their standard expected work period. Uniformed Police department employees assigned to 12 hour shifts are eligible for overtime pay or compensatory time when they have actually worked more than 80 hours in their standard expected work period. All other employees are eligible for overtime pay or compensatory time when they have actually worked more than 40 hours in a workweek. A workweek is defined as 12:00 am (Midnight) Sunday through 12:00 am (Midnight) the following Saturday.

Although you may have received pay for time not worked in a work period (such as by the use of sick, vacation, administrative or comp time), to be eligible for overtime consideration, you must have actually worked more than your standard expected work period.

Emergency Call Outs and/or Off Duty Court Duty: Non-exempt employees who are called out for emergency work or for required Court duty during their off duty time will be eligible for overtime pay or compensatory time the period of time worked during the emergency or at Court even if they have not physically worked their standard work period. The department head is responsible for scheduling and managing required emergency work and Court appearances.

Minimum amount of time: The minimum amount of overtime work eligible for time and one-half is 30 minutes. Therefore, if you work 30 minutes “over”, you will earn 45 minutes of comp time. The smallest amount of comp time that can be scheduled is one-half hour (30 minutes).

Usage of Compensatory Time: Comp time can be used for vacation or for illness when you do not have sick time available. It can also be used to supplement disability payments from our Workers’ Compensation Insurance carrier. However, your supervisor or Department Head must approve all scheduling of comp time before it is used. Comp time cannot be transferred or sold to another employee.

Maximum Amount of Compensatory Time: The maximum amount of comp time that can be earned varies based upon the type of job. Certain “public safety”, “emergency response” and “seasonal” positions (Law Enforcement Officers, Firefighters and Dispatchers) are eligible for a maximum of 480 hours comp time. Other positions are limited to 240 hours of comp time.

Employees are encouraged to utilize comp time promptly after it has been earned. Scheduling of comp time must be done with the approval of the Department Head to avoid undue disruption to the Department operations.

The City of Conway has a goal of keeping comp time balances at a minimum. Therefore, whenever an employee's balance approaches 100 hours (or 140 for Firefighters), the employee is required to submit a request for time off indicating the first, second and third choice of dates during the next month. If no request is received, the Department Head will schedule the employee off on comp time.

When moving to an Exempt position: Employees who are planning to move into an exempt position may be paid out comp time balances (up to the maximum) as of the last day of work in their non-exempt position.

Departing Employees: When an employee leaves the employment of the City through resignation, termination, death or retirement, comp time that has been earned through the last day actually worked can be paid out up to the maximum.

MISCELLANEOUS PAY

Should the City Council approve a bonus for active City employees, employees must be hired prior to the last full pay period in November of the year the bonus is received and must be actively employed on the date of distribution. For purposes of the bonus, all employees on City approved leave of absences will be considered actively employed. Employees pending termination will not receive any bonus.

TRAINING

The City of Conway is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the City for various jobs, you, as an employee have a responsibility to determining for yourself if you have sufficient training to do your job. If you feel that additional training is needed, you should notify your Department Head.

PERFORMANCE EVALUATIONS

To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary. Consistent with this goal, an employee's performance should be evaluated by the supervisor on an ongoing basis. Evaluations should be done prior to the end of the Probationary Period in order to determine eligibility for continued employment and annually.

All written performance reviews should be based on the employee's overall performance in relation to the employee's job responsibilities and also should take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the employee of his or her current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

CIVIL SERVICE POSITIONS

The appeal procedure for uniformed employees (firefighters and police officers) regarding any disciplinary action that may result in suspension or termination is governed by the Rules and Regulations of the Conway Civil Service Commission and administered by the Commission. Please refer to these Rules and Regulations for details.

JOB SAFETY

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

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

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

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

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

REFUSAL TO WORK

A City employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the City shall cause the employee to forfeit his or her employment and result in the termination of the employee from the City of Conway.

RESIGNATION/TERMINATION

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

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

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

Employees whose actions violate our Guidelines for Appropriate Conduct may be terminated. Prior to such action, an administrative review is required. Generally, employees who are terminated involuntarily are not eligible for rehire.

Exit Interviews: Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed and the employee will be required to return any City property in his/her possession or which was entrusted to him/her. All uniforms furnished by the City as well as all City owned property must be returned or paid for prior to the City issuing the employee's final pay check.

Section IV: Standards Of Conduct

CONDUCT TOWARD THE PUBLIC

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

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

UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by their respective department head. Personnel who are provided with uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

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

UNLAWFUL DISCRIMINATION AND HARASSMENT

POLICY: The City of Conway expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin, sex, marital status, age, status as a veteran or special disabled veteran or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

PROHIBITED CONDUCT DEFINED: Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e., race, religion, creed, color, national origin, sex, marital status, age, status as a veteran or special disabled veteran, or the presence of any physical, mental or sensory handicap.

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

- Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist or other derogatory materials, i.e., posters, e-mails, calendars, magazines;
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- Intentional physical contact with either gender specific portions of a person's body or that person's private parts, i.e., pinching, gestures, unwelcome touching;
- Making offensive sexual, racial or other derogatory hints or impressions;
- Requesting favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

- Overtly using one's title or position to sexually or otherwise harass employees.

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

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

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

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

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

Sexual harassment includes but not limited to:

- Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex
- Physical behaviors such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station;
- Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

COMPLAINT REPORTING AND INVESTIGATION

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

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

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

- An employee must immediately report the harassment or suspected harassment, in writing, to the employee's supervisor immediately. If the employee's supervisor is the source of alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Department Director the Human Resources Director. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment.
- Any supervisor or department head who learns of or receives a complaint of harassment is obligated to report it to the Human Resources Director.
- Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

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

No employee shall be the subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated the City's policy against such retaliation.

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

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

GUIDELINES FOR APPROPRIATE CONDUCT

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

Whether you are on duty or off duty, your conduct reflects on the City. You should observe the highest standards of professionalism at all times.

SERIOUS INAPPROPRIATE BEHAVIORS

Generally, if an employee's performance, work habits, overall attitude, conduct or demeanor becomes unsatisfactory, disciplinary action may result. Some behaviors are so serious that disciplinary action up to and including termination could result. Examples of such behaviors include, but are not limited to the following:

- Conviction of a felony
- Falsifying employment or other City records
- Violating any City nondiscrimination and/or harassment policy

- Unauthorized access to employee records
- Soliciting or accepting gratuities from citizens
- Excessive absenteeism or tardiness
- Breach of confidentiality
- Excessive, unnecessary or unauthorized use, misuse, destruction of or damage to City or employee property
- Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs
- Buying or using alcoholic beverages while on City property or using alcoholic beverages while engaged in City business, except where authorized
- Theft or sale of property from co-workers, citizens or the City
- Unauthorized use of City premises
- Unauthorized use, duplication or possession of City keys
- Unauthorized possession of firearms on City premises or while on City business
- Fighting on the job, except in self-defense
- Threatening, intimidating, or coercing others including abusive, profane or threatening language or gestures
- Disregarding safety or security regulations
- Insubordination
- Neglect or carelessness resulting in damage to City property or equipment
- Engaging in any intentional work stoppage or strike
- Fraudulent misuse of benefits
- Inappropriate political activity.
- Working outside employment while on paid or non-paid leave of absence from the City.
- Smoking in restricted areas.

ATTENDANCE

Physical regular attendance is essential to the effective business operations, and the City of Conway expects all of its employees to report to work on time and on a regular basis. Lack of physical attendance not attributable to appropriate leave, vacation, travel on official city business or approved teleworking shall be considered an absence. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors, City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time because of an illness or personal emergency, he/she should give proper notice to his or her supervisor.

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

“Proper notice” is defined by the City as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of (1) day or part thereof, (other than an absence authorized by this personnel handbook or law) that is not authorized in advance by the Department Head or the employee’s supervisor will be deemed absence without leave. Such absence shall be without pay.

FAILURE TO REPORT (NO CALL/NO SHOW)

If you fail to report to work and to provide notification to your Supervisor or Department Head for two (2) consecutive work days, you will be terminated due to job abandonment and will not be eligible for rehire.

Ask your supervisor or Department Head for information for your department's rules and regulations for reporting absences. The Fire Department has a specific policy for Firefighters regarding tardiness.

POLITICAL ACTIVITY

City employees are encouraged to be informed about politics and to exercise their vote freely at every election. However, to insure impartiality and non-partisan public service, certain actions that constitute inappropriate political activity will not be allowed.

INAPPROPRIATE BEHAVIORS (In accordance with A.C.A. 7-1-103) include, but are not limited to:

- Participating in partisan politics during normal working hours\
- Engaging in political activities while in uniform
- Using City property or facilities for campaigning
- Displaying campaign banners, cards or literature on City owned cars, trucks or tractors
- Participating in any political party or organization which advocates the overthrow of our constitutional form of government

INCLEMENT WEATHER

Essential employees are required to report for duty. These employees include fire fighters, police officers and CEOC employees. Other employees in safety sensitive positions or otherwise deemed essential may be designated as essential personnel by their department head and/or the Mayor, depending on the specific situation and needs of the City. Essential employees are **NEVER** included in closings of city departments, buildings or services.

In instances of weather causing hazardous conditions, non-essential employees are required to contact their supervisor for instructions regarding job assignments for that particular workday. The Mayor or his designee shall make the decision if city offices are to close due to inclement weather. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous to get to work safely, the employee will be required to use vacation or comp time or take time off without pay. Regardless of the situation, employees are required to provide their supervisor with proper notification if they are unable to report to work.

If the Mayor or his designee announces certain non-essential city departments are closed due to inclement weather, those employees in those departments that were scheduled to work will be paid. This will affect full time employees working Monday through Friday only.

Essential employees that are scheduled to work and physically work on a day that the Mayor declares non-essential city departments are closed, will receive 8.0 hours of comp time in addition to their regular rate of pay for that day.

The Mayor or his designee may announce that the start time for city offices will be delayed until 10:00 a.m. Employees that report to work at the delayed start time will be paid for 8.0 hours. This will affect full time employees working the 8:00 a.m. to 4:30 p.m. shift on Monday through Friday only.

Under the Inclement Weather policy three (3) days of pay are allowed per calendar year.

OUTSIDE EMPLOYMENT OR MOONLIGHTING

If you are considering additional employment, you should discuss the additional employment with your supervisor or department head for approval.

If, as an employee of the City, you participate in additional employment, it must not interfere with the proper and effective performance of your job with the City. Your outside employment must not be such that constitutes a conflict of interest, or adversely affects the image of the City, or be construed by the public to be an official act of the City or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Department Head.

You may not work in a secondary employment situation while on sick leave or FMLA.

DISCIPLINARY ACTION

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

Disciplinary action may include, but is not limited to;

WARNING OR REPRIMAND: A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

SUSPENSION: Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.

DEMOTION: A demotion is an action that places the employee in a position of less responsibility and less pay.

TERMINATION: This type of disciplinary action is a removal of an employee from city employment.

CIVIL SERVICE POSITIONS have specific Disciplinary Actions outlined. Refer to your Department guidelines for more information.

INDEX

ACTIVE EMPLOYEE CERTIFICATE OF AGREEMENT, 25
AMENDMENTS AND REVISIONS, 5
AMERICANS WITH DISABILITIES ACT, 8
ATTENDANCE, 66
AUTHORITY TO HIRE AND FIRE, 8
BEREAVEMENT LEAVE, 46
CELLULAR TELEPHONE POLICY, 32
CITY PROPERTY, 26
CITY VEHICLES, 27
COMMERCIAL DRIVER'S LICENSE TESTING, 11
COMPATIBILITY WITH OTHER RULES AND REGULATIONS, 5
COMPLAINT REPORTING AND INVESTIGATION, 64
CONDUCT TOWARD THE PUBLIC, 63
CONFLICT RESOLUTION, 10
DEFINITIONS OF RELATIVES, 10
DISCIPLINARY ACTION, 14
DISTRIBUTION LIST, 5
DONATION OF SICK AND/OR ADMINISTRATIVE/HOLIDAY HOURS, 44
DRIVER'S LICENSE AND DRIVING RECORD, 9
DRUG-FREE AWARENESS PROGRAM/EDUCATION AND TRAINING, 12
DRUG-FREE WORK PLACE, 11
EMPLOYEE CLASSIFICATIONS, 56
EMPLOYEE RELATIONS / OPEN DOOR POLICY, 26
EMPLOYMENT AT WILL, 8
EMPLOYMENT BENEFITS, 39
EMPLOYMENT POLICIES, 7
EMPLOYMENT STATUS PENDING RECEIPT OF TEST RESULTS, 15
EQUAL OPPORTUNITY EMPLOYER, 8
FAMILY MEDICAL LEAVE, 46
FITNESS FOR DUTY EXAMS, 10
FORM OF GOVERNMENT, 6
GUIDELINES FOR APPROPRIATE CONDUCT, 65
HOLIDAYS, 42
HOURS OF WORK, 57
IMMIGRATION AND NATURALIZATION SERVICE (INS) REQUIREMENTS, 9
INCLEMENT WEATHER, 67
INSURANCE BENEFITS, 50
INTERNET AND E MAIL POLICY, 30
INTRODUCTORY STATEMENT, 5
JOB POSTINGS AND ADVERTISING, 8
JOB SAFETY, 60
JURY AND WITNESS DUTY, 49
LEAVE OF ABSENCE WITHOUT PAY, 50
MATERNITY LEAVE, 46
MATTERS AFFECTING THE STATUS OF THE EMPLOYEE, 55
MEDICAL EXAMINATIONS, 10
MEDICAL RECORDS, 10
MILITARY DUTY, 49
MISCELLANEOUS PAY, 59
NEPOTISM, 9
NON-EXEMPT AND EXEMPT EMPLOYEES, 57
INSPECTION AND MONITORING, 26
OCCUPATIONAL INJURIES, 50
OUTSIDE EMPLOYMENT OR MOONLIGHTING, 68
OVERTIME/COMPENSATORY TIME, 58
PAY DAYS, 57
PERFORMANCE EVALUATIONS, 59
PERSONNEL FILES, 26
POLICY STATEMENT, 5
POLITICAL ACTIVITY, 67
POST-OFFER PRE-EMPLOYMENT PHYSICALS, 10
PROHIBITED SUBSTANCES/LEGAL DRUGS/UNAUTHORIZED ITEMS, 13
PURCHASING POLICES AND PROCEDURES, 35
REFUSAL TO WORK, 60
RELATIVE RELATIONSHIPS THAT OCCUR AFTER EMPLOYMENT, 10
REPORTING AND VERIFYING HOURS WORKED, 57
RESIGNATION/TERMINATION, 60
RETIREES' ELIGIBILITY TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN, 52
RETIREMENT AND PENSION PLANS, 53
SAFETY AND SECURITY-SENSITIVE POSITIONS DEFINED, 12
SERIOUS INAPPROPRIATE BEHAVIORS, 65

SEVERABILITY, 6
SICK LEAVE, 43
STANDARDS OF CONDUCT, 62
SUBSTANCE ABUSE POLICY, 16
SURVIVING SPOUSE/DEPENDENT
ELIGIBILITY TO PARTICIPATE IN THE
CITY'S HEALTH CARE PLAN, 52
TABLE OF CONTENTS, 2
TELEWORKING, 34
TRAINING, 59
TRAVEL POLICY, 27
UNIFORM EMPLOYEE CIVIL SERVICE
JOB REQUIREMENTS, 11
UNIFORMS AND PERSONAL
APPEARANCE, 63
UNLAWFUL DISCRIMINATION AND
HARASSMENT, 63

USE OF ALCOHOL AND
DRUGS/PROHIBITED CONDUCT, 13
VACATION ACCRUAL FIRE
DEPARTMENT CIVIL SERVICE
POSITIONS, 42
VACATION ACCRUAL NON-CIVIL
SERVICE POSITIONS, 41
VACATION ACCRUAL POLICE
DEPARTMENT CIVIL SERVICE
POSITIONS, 41
VACATION BENEFITS, 40
WHEN DRUG AND ALCOHOL TESTING
MAY BE REQUIRED OF ALL
EMPLOYEES, 13
WHEN DRUG AND ALCOHOL TESTING
MAY BE REQUIRED OF EMPLOYEES
HOLDING SAFETY AND SECURITY-
SENSITIVE POSITIONS, 14