

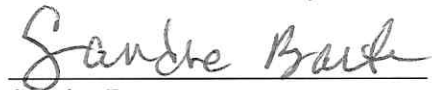
RESOLUTION NO. R2024-33

**RESOLUTION TO AMEND ORDINANCE 2011-1, THE CITY OF HECTOR
PERSONNEL POLICY; TO INSERT CHAPTER 8, THE HECTOR VOLUNTEER FIRE
DEPARTMENT**

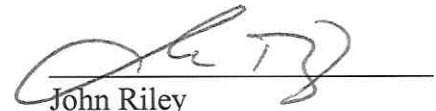
Be it resolved on this 28th day of October 2024, the City Council of the City of Hector, Arkansas met in a special called session for the purpose of reviewing and considering an amendment to the City of Hector Personnel Policy.

Now therefore, the city council, after review, discussion, and consideration does hereby approve an amendment to the City of Hector Personnel Policy to include Chapter 8 Hector Volunteer Fire Department. A copy of Chapter 8 of the personnel policy is hereto attached.

Be it resolved by the Hector City Council this 28th day of October 2024.


Sandra Barton
Recorder/Treasurer

10-28-24
Date


John Riley
Mayor

10-28-24
Date

Present: 3

Absent: 2

Recused: 0

Opposed: 0

In Favor: 3



Personnel Handbook

2024

11356 State Road 27

Mailing Address:
P.O. Box 194
Hector, AR 72843

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INTRODUCTION

MESSAGE FROM THE ARKANSAS MUNICIPAL LEAGUE TO CITY OFFICIALS

The Arkansas Municipal League offers this suggested *Sample Personnel Handbook* to help your City establish guidelines concerning various personnel issues. However, employment law is heavily regulated and rapidly changing, and this sample handbook covers only general employment and personnel issues. Therefore, strict reliance on this handbook alone is neither encouraged nor advised and should never replace consultation with your City attorney. We strongly encourage you to continually monitor and update your City’s personnel handbook to ensure that it continues to meet the needs of your city from both legal and employee relations standpoints. The League recommends that City officials and City attorneys conduct no less than an annual review of all items in the Handbook. While this may be considered a burdensome administrative task, it could result in substantial monetary savings if it helps prevent just one lawsuit or administrative complaint from being filed against your city.

The Arkansas Municipal League legal staff has reviewed the contents of this Handbook. Nevertheless, we encourage you to seek the legal advice of your City attorney in all local personnel matters and not rely solely on the contents of this Handbook.

If you adopt a personnel handbook, failing to follow and enforce its guidelines may result in legal liability. For this reason, we suggest that the handbook adopted by your City be as simple and concise as possible. We strongly advise you to read this sample Handbook, consider and discuss its contents, and develop a handbook that is practical and useful for your City. Before adopting a final version of any handbook, you should ask your city attorney to review it to ensure that it complies with federal and state laws.

Lastly, policies are of no use if city employees, supervisors, department heads and officials are not advised of them. For that reason, this Handbook contains a sample acknowledgement that should be used to ensure that every employee receives, reads and keeps a copy of your policies.

PREFACE

USING THIS HANDBOOK

A. EXPLANATORY NOTES

Throughout this Handbook, we have included explanatory notes in brackets and bolded italics. These explanatory notes, including all information contained in this Preface, should not be included in the final version of the handbook that you develop and formally adopt.

B. A SPECIAL WORD ABOUT UNIFORMED EMPLOYEES

The Arkansas Municipal League did not attempt to develop separate sample handbooks for uniformed city employees and non-uniformed city employees. Uniformed departments are governed by numerous Arkansas statutes, including Civil Service laws in some cities. City officials should follow the specific statutes that relate to police officers and firefighters. Nothing in these guidelines should be interpreted to conflict with or override state law. To the extent that any state law provides additional or different benefits or rights to uniformed employees, the provisions of these employee guidelines shall be deemed to include those statements of law.

D. CHANGING ADOPTED PERSONNEL PROCEDURES

Municipalities adopting new Handbooks or revising old ones will have to repeal any previous Handbooks that were adopted by ordinance and pass, by a majority vote of the council, the new or revised Personnel Handbook. If a new or revised Personnel Handbook is adopted, all employees should be notified and provided a copy of the new or revised Handbook with an acknowledgment form.

CHAPTER 1

GENERAL POLICIES

1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures that are necessary to implement and administer the City's personnel system. By adopting this Handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

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

1.2 SCOPE

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

1.3 DEFINITIONS

EMPLOYEE—An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any elected official, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

EXEMPT EMPLOYEE—Employee who not eligible for overtime as defined by the Fair Labor Standards Act.

FULL-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position that has daily, weekly and monthly hours as established by the City Council for full-time work.

NON-EXEMPT EMPLOYEE—Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

OVERTIME—Hours worked in excess of 40 hours during a regular work week.

[NOTE: Notwithstanding this provision, sworn law enforcement officers and firefighters may be subject to special exceptions which establish work periods of up to 28 days. If such work periods are adopted, overtime is not measured in terms of 40-hour work weeks but should be paid for work performed in excess of 171 hours in a 28-day work period for police officers or for work performed in excess of 212 hours in a 28-day work period for firefighters. Cities adopting such work periods for their sworn police officers and fire fighters should make the appropriate adjustments to the basic definition of "overtime" set forth above. For more information, including a chart of various work periods, see the AML publication: The FLSA: 21 Things You Should Know, which may be accessed at http://www.arml.org/legal_faqs.html.]

PART-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

SUPERVISOR—Person who has been designated to oversee other employees in a department.

TEMPORARY EMPLOYEE—an employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

WORK WEEK—Seven (7) day period beginning at 5:00 p.m. on Friday, except for police officers and firefighters and any other employees specifically excluded from this provision by the terms of this Handbook.

1.4 AMENDMENTS AND REVISIONS

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

Since personnel practices and procedures are in a constant state of change, the City will continuously review this 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 Hector shall have the exclusive right to change, alter, delete, 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 policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

1.5 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.

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Hector is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits.

2.2 AMERICAN WITH DISABILITIES ACT

The City of Hector abides by the requirements of the Americans with Disabilities Act, the ADA Amendments 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 Mayor or supervisor. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT

2.3.1 POLICY

The City of Hector 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, genetics, 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.

2.3.2 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, genetics, 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 behavior 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.

2.4 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 that 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:

1. An employee must immediately report the harassment or suspected harassment, in writing, to the Supervisor immediately. If the supervisor is the source of the 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 mayor or city council member. 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.
2. Any supervisor or department head who learns of or receives a complaint of harassment is obligated to report it to the Administrative Coordinator.
3. 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 subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Hector will not tolerate

harassment or any form of 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 supervisor for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the mayor 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.

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 AT-WILL EMPLOYER

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

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

3.2 AUTHORITY TO HIRE AND FIRE

[NOTE: State law dictates that local government department heads serve at the will of the mayor. See Ark. Code Ann. 14-42-110. State law does not, however, indicate who has the specific authority to hire and/or fire other non-department head employees of the city.

There are, of course, a variety of options a city may exercise with respect to authority to hire and fire individuals, and it is suggested that a specific option be identified, approved and stated in this section of the Handbook. We recommend that this decision-making be done by those in charge of the day-to-day operations of the City, i.e., the mayor and/or the department head.

Obviously, the city council could engage in hiring and firing, although, as the policy maker for the City, it is suggested that this is outside the realm of the council's responsibilities. This is a local option that each city may exercise.

For example, in a small city, the city council may wish to engage in hiring and firing, whereas in a larger city it may not. Furthermore, in a smaller city, the local government may determine that it is appropriate for both the mayor and the department head to be in some agreement before the employee is terminated and to jointly make that decision. On the other hand, you may wish to simply vest that authority in either the mayor or the department head. Regardless of which option you choose, your decision should be clearly stated in the Handbook.]

3.3 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the office of city hall. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, the position or positions open will be announced and posted in the newspaper and on the city website at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to city departments and as appropriate, to public and private employment agencies, and local newspapers

Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the department head along with the mayor is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

3.4 EMPLOYMENT APPLICATIONS AND RESUMES

The City of Hector 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 omissions in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures.

3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a permanent employment position. Such examinations shall be paid for by the City. The examinations shall be performed by licensed physicians selected by the city. A summary report of the examining physician shall be provided to the department head or immediate supervisor 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.

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 city, 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.

3.6 FITNESS FOR DUTY EXAM

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.

3.7 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

It is the City of Hector'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. The 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 Hector 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 Hector, the City's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

3.8 DRUG AND ALCOHOL TESTING

The City of Hector has a responsibility to ensure safe-working conditions for its employees and a productive City workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, City is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination. Any City employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal.

3.8.1 FITNESS FOR DUTY

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

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

3.8.2 NOTIFICATION

As a condition of employment with the City, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off City premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 ATTENDANCE

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the City of Hector.

4.2 WORK HOURS

Except for police officers and firefighters, the standard workweek shall consist of forty (40) hours per week within a seven-day period.

The standard workday shall begin at 7:30 a.m. and end at 4:00p.m. unless otherwise arranged by the department head to meet specific job needs. Departments may vary from this schedule based upon departmental necessity. The standard workweek is Monday through Friday.

Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the department head. Flexible work arrangements allow the department head to schedule the workweek of forty (40) hours to meet specific departmental situations.

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 the City of Hector. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the mayor or department head. Changes in work schedules will be announced as far in advance as practicable.

4.3 UNAUTHORIZED WORK TIME

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

Compensation for employment with the City of Hector may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the forms provided by time-clock. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a bi-weekly basis to their supervisors for signatures. The supervisors shall forward the same to the city secretary in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken.

4.4.2 PAYROLL RECORDS

_____ [insert title of appropriate individual] shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours.

4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid every 2-weeks. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to the city secretary.

4.5 SALARY BASIS POLICY*

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

4.5.1 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see policies on penalties for workplace conduct rule infractions). Also, the City is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

* Adopted in large part from http://www.dol.gov/esa/regs/compliance/whd/fairpay/modelPolicy_PF.htm

4.6 COMPENSATORY TIME

4.6.1 COMPENSATORY TIME

Compensation for overtime may be made in the form of compensatory leave time ("comp time") to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek. All compensatory time must be used prior to December 31st. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

4.6.2 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 workweek.

[NOTE: Sworn law enforcement officers and firefighters may be subject to special exceptions which permit the establishment of work periods up to 28 days. If such work periods are adopted, overtime is not measured in terms of 40-hour work weeks but should be paid for work performed in excess of 171 hours in a 28-day work period for police officers or for work performed in excess of 212 hours in a 28-day work period for firefighters.]

4.7 VACANCIES AND PROMOTIONS

It is the intent of the City of Hector to hire and promote the most qualified applicant for all vacant positions.

4.8 TRAINING

The City of Hector is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notify his/her department head. Expenses incurred in on-the-job training will be assumed by the City.

4.8 PERFORMANCE EVALUATIONS

All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

4.9 JOB SAFETY

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

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

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

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his 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.

[NOTE: The AML has established a Loss Control Program to help cities reduce risks and prevent accidents. The AML Loss Control specialist will conduct an on-site safety inspection to interested cities at no charge. Cities that wish to use the services of the Loss Control Program may call AML headquarters at 501-374-3484.]

4.10 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 Hector.

4.11 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Hector 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 Hector are on an at-will basis. Thus, although the City of Hector hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

4.12 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.

4.13 JOB DESCRIPTIONS

It shall be the responsibility of the department head to maintain a job description on file for each position in the department. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgment.

CHAPTER 5

BENEFITS

5.1 VACATIONS

5.1.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. §14-52-106, each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay.

All employees of the police department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service.

The Police Chief shall see that employees of the police department take all of their vacation time before the end of the calendar year, or shortly thereafter.

5.1.3 VACATION TIME FOR NON-UNIFORMED EMPLOYEES

After six months of full-time employment, employees accrue five (5) working days of paid vacation annually. After one (1) year of full-time employment, employees accrue ten (10) working days of paid vacation annually. After five (5) year of full-time employment, employees accrue fifteen (15) working days of paid vacation annually.

5.1.4. VACATION ACCRUAL RATE

Years of Service	Vacation
Less than 6 Months	None
6 months But Less Than 1 Year	5 Working Days
1 Year But Less Than 5 Years	10 Working Days
5 Years or More	15 Working Days

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than five (5) vacation days may be carried over six (6) months past the anniversary date without prior written approval of the mayor. Accrued vacation days not taken within this time period will be deemed used.

To the extent it differs from the procedure set forth herein, the uniformed employees of the Police and Fire Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

Policies concerning vacation time for non-uniformed employees in no way alter the City of Hector's at-will employment policy as described in this Personnel Handbook.

5.1.5 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 in to the overall scheduling of the department. Employees should notify their department heads at least 30 days in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed determined by the department head based upon departmental work loads. The City reserves the right to alter vacation schedules.

Maximum vacation leave to be taken at any one time is (10) days, unless advance approval is granted.

If a City-observed holiday occurs within an employee's vacation period, equivalent time off with pay will be provided, or at the employee's request the employee's vacation may be extended for one (1) additional working day.

5.2 HOLIDAYS AND HOLIDAY PAY

The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the State of Arkansas.

[NOTE: The following holidays are provided by way of example only. Cities are not obligated to provide the following holidays with pay and should determine which, if any, to observe as paid days off.]

HOLIDAY	DAY/DATE
New Year's Day:	January 1st
Martin Luther King Jr. Day	Third Monday in January
George Washington's Birthday or Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

5.3 INCLEMENT WEATHER

In the event City offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either annual leave, comp time or leave without pay.

5.4 SICK LEAVE

5.4.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary. (ACA 14-52-107)

Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.

5.4.2 NON-UNIFORMED EMPLOYEES

The City of Hector recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of Hector provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one and two-thirds (1 2/3) working days per month.

Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.

An employee may be eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury or death in the employee's immediate family which require the employee's presence. Immediate family includes only the following persons related by blood, marriage or legal adoption: grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
- Necessity of medical or dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certificate of release to the department head before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the City.

5.5 FUNERAL OR BEREAVEMENT LEAVE

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.

As used in this subsection, “immediate family” means mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse’s immediate family, or those relatives who live in the employee’s household including “step” relatives.

Travel time may be granted upon prior approval from the department head in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

5.6 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. **An employee’s accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the City’s Family Medical Leave Policy, if applicable.**

In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

5.7 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. 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 right 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.

A summary of rights afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and re-printed in Appendix A of this Handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under Ark. Code Ann. § 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FLSA provides further rights to family members of military personnel.

5.8 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the spouse, son, daughter, or parent, or nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee’s child;
- The placement of a child into an employee’s family by adoption or by foster-care arrangement and to care for the newly placed child;
- for spouse, son, daughter, or next of kin of an eligible servicemember to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks during a “single 12-month period;”
- The care of an immediate family member (spouse, child or parent, but not a parent “in-law”) who has a serious health condition;
- The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job; and

- for any qualifying exigency when the employee's spouse, son, daughter, or parent is a covered military member (on active duty or is notified of an impending call to active duty) in support of a contingency operation.

You must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member. A serious health condition is an illness, injury, impairment, or physical 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, and for prenatal care.

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three calendar days.

The Family Medical Leave Act (FMLA) requires that the City maintain the health coverage of an employee eligible for FMLA under any group plan during the time the employee is on FMLA leave. **5.8.1 FMLA ELIGIBILITY**

To be eligible for the FMLA benefits employees must: 1) be employed by the City for at least one year; and 2) have worked 1250 hours over the previous twelve (12) months preceding the date of the leave is requested to begin. An employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed *but for* the period of military service in determining whether the employee worked the 1,250 hours of service.

Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The City shall not require the use of annual leave as part of family medical leave. The employee, at the employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work weeks.

5.8.1 CALCULATION OF LEAVE

Employees eligible for FMLA may use up to 12 weeks of leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken. The next 12-month period will begin on the first day FMLA leave is taken after completion of any previous 12-month period.

5.8.2 USE OF PAID TIME OFF BENEFITS

When leave is taken under the Family Medical Leave Act, you will be required to first use your available annual and accrued sick and vacation leave during the twelve (12) week family leave before becoming eligible for unpaid leave. That portion of family leave of absence which is taken using annual and accrued leave days will be with pay, according to the City's annual leave policy. Using paid time off benefits does not add to the total length of the maximum 12-week leave permitted.

For example, Employee A has two (2) weeks of accrued vacation leave and two (2) weeks of accrued sick leave. Employee A requests and is granted 4 weeks of FMLA leave. This leaves Employee A with eight (8) remaining weeks of available FMLA leave.

5.8.4 INTERMITTENT OR REDUCED LEAVE

In circumstances where FMLA leave is sought for your own serious health condition or that of a family member, you may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when you chose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or be placed on a reduced work schedule. However, this may only be done with prior permission and approval of the mayor. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay and benefits, if another position would better accommodate that the intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operations.

5.8.5 NOTIFICATION

You must provide notice to the department head with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify the department head as soon as possible.

5.8.6 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent.

If FMLA leave 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.

5.8.7 JOB RESTORATION

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. However, certain highly-compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their positions if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

5.8.8 EMPLOYEE BENEFITS

During an employee's FMLA leave of absence, his/her health care benefits will continue. Both the City and the employee will be required to pay the customary portions of the monthly health premium. The employee's failure to pay his or her share of the premium may result in loss of coverage. The city secretary will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the City. Prior to dropping an employee from coverage for non-payment, the city clerk will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee unequivocally informs the City that he/she does not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work, from FMLA leave, for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have returned to work.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies _____ **[insert title of appropriate individual]** prior to the end of the FMLA leave.

5.8.9 CERTIFICATION

Medical certification, by a qualified health care provider, of the need for FMLA leave for medical reasons is required. When the leave is foreseeable and at least 30-days notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within 15 calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers and physician assistants authorized to practice under State law and performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

5.8.10 RELEASE TO RETURN TO WORK

A medical doctor's release is required for all City employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided to department head prior to returning to work.

5.8.11 DISPUTE RESOLUTION

If a disagreement occurs over the medical opinion provided by your physician, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

Additional information and forms may be obtained from _____ **[insert title of appropriate individual]**.

5.9 LEAVE FOR WITNESS OR JURY DUTY

Employees will be granted paid leave for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the department head a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

5.11 EMPLOYEE HEALTH BENEFITS

The City of Hector provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire.

5.12 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 bulletin boards located in the city hall.

5.13 ACCIDENTAL INJURY

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred.

CHAPTER 6

STANDARDS OF CONDUCT

6.1 COMMUNICATING WITH THE PUBLIC

Employees of the City of Hector 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.

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 which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

6.2 UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Department head. Personnel who are provided 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.

6.3 GUIDELINES FOR APPROPRIATE CONDUCT

The City of Hector expects its employees 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 the employees, co-workers, the citizens and/or the city.

Whether an employee is on-duty or off-duty, his/her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

Types of behavior and conduct that the City considers inappropriate include, but are not limited to the following:

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;
- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;
- Excessive, unnecessary or unauthorized use of city property;
- Reporting to work intoxicated or under the influence of nonprescribed 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;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of property from co-workers, citizens or the city;
- Unauthorized possession of firearms on city premises or while on city business;
- Disregarding safety or security regulations;
- Insubordination;
- Neglect or carelessness resulting in damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

6.4 ABSENTEEISM AND TARDINESS

Regular attendance is essential to the effective business operations, and the City of Hector expects all of its employees to report to work on time and on a regular basis. 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 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 calling 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 one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by 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.

6.5 INCLEMENT WEATHER

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. 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 for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is required to give his or her supervisor proper notice if he or she is unable to report for work.

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.

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

6.7 VOTING

City employees are encouraged to exercise their legal right to vote and, if necessary and requested in advance, reasonable time will be granted for the purpose.

6.8 USE OF NARCOTICS AND ALCOHOL

Employees of the city of Hector shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

Each Department Head or supervisor may establish smoking rules or guidelines for his or her departmental employees.

6.9 DRUG-FREE WORKPLACE

It is the policy of the city of Hector to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Hector or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, and the city's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

6.11.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES

To help maximize its employees' efficiency in carrying out their respective job duties, the City of

Hector provides various information and technology resources such as e-mail, computers, software/ computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. Please remember that these tools are City property and must be used in a manner that reflects positively on the City and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the City. Reading another employee's files is prohibited unless authorized by the department head. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department responsible for the data.

The City will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

- Hacking;
- Pirating software or audio/video files;
- Soliciting
- Distributing literature for outside entities;
- Sending inappropriate e-mails;
- Accessing, viewing, or downloading inappropriate Web sites, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
- Distributing confidential information to persons/entities who are not entitled to such information;
- Storing or placing unlawful information on a computer or the network;
- Copying system files without proper authorization;
- Copying copyrighted materials without proper authorization;
- Use of abusive or otherwise objectionable language in either public or private messages;
- Sending messages that are likely to result in the loss of the recipient's work or systems use;
- Sending "chain-letters," jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
- Decryption of system or user passwords.

Only software which has been purchased or approved by the City of Hector may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with City computers, networks, or storage media are property of the City and shall not be removed from the workplace without proper authorization. The City's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software. Computer equipment, including software, should not be removed from City premises without prior written approval from the department head.

The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

6.11.3 INTERNET ACCESS

Internet access is provided to employees to conduct City business. Employees accessing the Internet are to do so for business-related purposes only. The City reserves the right to monitor Internet use to assure that Internet use is for legitimate business purposes and that access to the Internet is not abused by any one employee.

Downloading files without the express consent of the department head is prohibited. Files downloaded from the Internet, or any other outside service, may contain a computer virus and must be scanned by a virus checking software prior to being used on a City computer. Uploading to the Internet is prohibited unless authorized by the department head to avoid interception and unauthorized access to information.

6.11.4 ELECTRONIC MAIL AND CONFIDENTIALITY

The City of Hector provides electronic mail for business purposes. The City maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or

that access by the City or its designated representative will not occur. Therefore, any personal use of the City's electronic mail system shall be kept to a minimum.

The electronic mail system shall not be used: to solicit or proselytize for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation; to create any unwelcome, offensive, or otherwise disruptive messages including sexual innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability; or to send or receive copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

Employees are not authorized to retrieve or read e-mail messages that are not sent to them.

6.11.5 REMOVAL OF CITY PROPERTY

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from _____ **[insert title of appropriate individual]**.

6.12 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 a 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 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 department head. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

6.13 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.

6.14 PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION

[NOTE: Some cities maintain some level of appeal or a grievance procedure for employees who have been disciplined and/or terminated. It is recommended that any such procedure be eliminated from your manual and/or practices. Prior to the elimination, notice should be given to your employees. If you are still inclined to have such a procedure, then it is recommended that the procedure require the employee, within a time certain, to file a letter requesting the appeal,

CHAPTER 7

MISCELLANEOUS INFORMATION

7.1 POLICY STATEMENT

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

7.2 CONFLICTS

The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

7.3 SEVERABILITY

Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect.

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

7.4 POLICY CHANGES

The City of Hector reserves the right to suspend, revoke, or revise any of the policies contained this Handbook at any time.

7.5 CHANGE OF ADDRESS

Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her Department Head.

Chapter 8

HECTOR VOLUNTEER FIRE DEPARTMENT

8.1: Purpose

The Personnel Handbook contains policies, practices, and procedures which are necessary to implement and administer the City's personnel system as it relates to the City of Hector Volunteer Fire Department and its members. By adopting this amendment to the City of Hector Personnel policy, the City endeavors to achieve consistency for all members of the Hector Volunteer Fire Department through the establishment of uniform guidelines and systematic procedures.

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

8.2 SCOPE

All members of the City of Hector Volunteer Fire Department are subject to the application of the personnel policies and procedures as prescribed.

8.3 DEFINITIONS

VOLUNTEER FIREFIGHTER- A volunteer of the City of Hector Volunteer Fire Department that is active according to the by-laws of the department and is paid a run fee to cover expenses and is provided LOPFI retirement; and is not paid an hourly rate or salary.

INACTIVE VOLUNTEER FIREFIGHTER- A volunteer of the City of Hector Volunteer Fire Department that is not active according to the by-laws of the department and is not paid a run fee and is not provided LOPFI retirement.

RUN FEE- A payment to active firefighters who are “toned out” to an emergency and respond to the emergency.

ADVISORY BOARD- An advisory board who meets monthly to assist in the operations of the Hector Volunteer Fire Department.

CODE OF ETHICS- A set of principles that is intended to guide professionals in personal conduct that represents the city, fire district, and department.

COMPENSATION- Payment made base on employee-employer relationship. Compensation that is paid based upon an hourly rate or salary to full and part-time employees of the City of Hector.

8.4 General Volunteer Fire Department Policies The City of Hector Volunteer Fire Department was established as a city department based upon the passage of Ordinance 2024-1. All active members of the City of Hector Volunteer Fire Department are representatives of the citizens of the City of Hector and are subject to all applicable policies and procedures contained in Chapter 2; to include: 2.2, 2.3 (2), 2.4, Chapter 3; to include: 3.f,3.h, 3.8(1), 3.8(2), Chapter 4; to include: 4.12, 4.16; Chapter 6; to include: 6.1, 6.2, 6.3, 6.9, 6.10, 6.11, 6.11(b,c,d,e), 6.12, 6.13, 6.14, and Chapter 7.

8.5 RUN FEE: In consideration of the active volunteers of the City of Hector Fire Department, the City of Hector will reimburse active members of the volunteer fire department at a rate of \$15.00 per authorized “run”. This reimbursement will be paid on the second Friday of each month. The Fire Chief or his/her designee will submit to the clerk of the Hector City Hall a report of all active members who responded to a call for service issued by Pope County 911. Each call for service will include any response report and report number. This reimbursement shall not be construed as any employment relationship.

8.5 (a) All active members of the Hector Volunteer Fire Department will be exempt from paying fire dues

8.6 LOPFI: All active members of the City of Hector Volunteer Fire Department will receive Volunteer LOPFI retirement benefits. If any member ceases in active membership, LOPFI retirement benefits will cease.

8.7 ADMINISTRATION:

8.7 (a) Fire Chief- will be appointed by the Mayor and approved by a vote of the City Council.

8.7 (b) Assistant Fire Chief- will be appointed by the upon the recommendation of the membership of the fire department and approved by the Hector City Council.

8.7 (c) Captain- will be appointed upon the recommendation of the membership of the membership of the fire department and approved by a vote of the Hector City Council

8.7 (d) Lieutenant- will be appointed upon the recommendation of the membership of the fire department and approved by a vote of the Hector City Council

8.7 (e) Secretary- will be appointed upon the recommendation of the membership of the fire department and approved by a vote of the Hector City Council

8.8 DISCIPLINARY PROCEDURES

8.8 (a) Administration- Arkansas Code Annotated 14-42-110 provides that the mayor has the authority to appoint or remove department heads, subject to the council overriding the mayor's actions by a 2/3 majority vote.

8.8 (b) The Fire Chief and the mayor have the sole authority to discipline or recommend removal of an active or in-active firefighter or officer from membership of the Hector Volunteer Fire Department for violations of city policy or fire department by-laws. Discipline may consist of the following:

(1) Warning or Reprimand- A warning or a reprimand is an action used to alert the volunteer that his/her actions or performance is not in compliance with the policies, procedures, or code of ethics.

(2) Suspension- Suspension involves the removal of volunteer from active membership to in-active membership during the duration of the suspension.

(3) Demotion- A demotion is an action that places the volunteer in a position of less responsibility, to include position of rank.

(4) Removal- Is a disciplinary action that removes the volunteer from the fire department.

8.8 (c) Appeal of Discipline or Removal- any subject party that has been disciplined or removed from the Hector Volunteer Fire Department has the right to appeal such discipline to the Hector City Council.

8.9 Advisory Board- The City of Hector Volunteer Fire Department Advisory Board will consist of the following members: 3 members appointed by the active membership of the fire department and 2 members to be recommended by the mayor and approved by the city council.

8.9 (a) Advisory Board Meetings- meetings will be conducted monthly and presided over by the Fire Chief and recorded by the Secretary. Meetings will be conducted in a manner consistent with Roberts Rules of Order. The purpose of the advisory board is to provide a structure where input from volunteer, career, and community stakeholders provide advice and input on policy and operation. All meetings will be open to the public with advanced notice of meetings.

8.10 Membership Board Meeting- Membership board meetings will be conducted monthly and presided over by the Fire Chief and recorded by the Secretary. Meetings will be conducted in a manner consistent with Roberts Rules of Order. Only active members will vote on issues presented to the membership.

Chapter 9
Forms
Appendix A

Receipt of City of Hector Personnel Handbook
(To be placed in employee's personnel file)

I, _____, acknowledge receipt of the City of Hector Personnel Handbook.

I understand that this Handbook is not a contract.

I understand that reading this Handbook constitutes one of my job duties and that I am required to perform my job duties in accordance with the policies contained in this Handbook and any additional rules, regulations, policies, or procedures which may be imposed by the city or department in which I work whether or not I read this Handbook. I understand that my failure to read this Handbook as required, does not excuse me from compliance with its provision.

I understand that if I have any questions about the provisions contained in this Handbook, I should direct them to the Mayor or department head.

Signed: _____

Date: _____

CHAPTER 8

FORMS APPENDIX A

RECEIPT OF CITY OF _____ PERSONNEL HANDBOOK
(To be placed in employee's personnel file)

I, _____, acknowledge receipt of the City of _____ Personnel Handbook.

I understand that this Handbook is not a contract.

I understand that reading this Handbook constitutes one of my job duties and that I am required to perform my job duties in accordance with the policies contained in this Handbook and any additional rules, regulations, policies or procedures which may be imposed by the City of the department in which I work whether or not I read this Handbook. I understand that my failure to read this Handbook, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this Handbook, I should direct them to _____ [insert title of appropriate individual, i.e., supervisor, city attorney, mayor, personnel director].

Signed _____

Date _____

I, _____ [insert name and title of individual], provided a copy of the City of _____ Personnel Handbook to _____ on this _____ day of _____, 200__.

Signed _____

Date _____

APPENDIX B

EMPLOYMENT RECORDS RELEASE

TO: _____

You are hereby authorized and requested to give to _____, or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including disciplinary reports, memos, statements, results of or physicals, drug testing results, and any and all other information which they may request concerning my employment.

You are authorized to release any information relating to my employment, including but not limited to, any information relating to my employment or otherwise maintained by you during the entire term of my employment relationship with you. This authorization is continuing in nature and does not expire unless you receive written, signed and acknowledged notice from me or my authorized agent. A photocopy of this release shall be as valid as an original.

EMPLOYEE (Signature)

EMPLOYEE (Printed name)
STATE OF ARKANSAS)
)

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, _____.

Notary

Public My Commission Expires: _____

[NOTE: This Release should be used to obtain information from previous employers in order to make informed hiring decisions. A similar release should be used for current or past employee to sign when he or she wishes for you to release information to another prospective employer.]

NOTES



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