

## **ORDINANCE 2008-3**

An Ordinance to establish Personnel Policies and Procedures and Practices to implement and administer the City's Personnel system.

### **Equal Opportunity Employer**

The city of Lockesburg 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.

### **At-Will Employer**

The city of Lockesburg is an at-will employer. This means that the city of Lockesburg 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.

### **AUTHORITY TO HIRE AND FIRE**

The City of Lockesburg assigns the responsibility for hiring and firing to the Mayor with advice of the City Council.

### **POST-OFFER PRE-EMPLOYMENT PHYSICALS**

Pre-employment physical exams may be requested by the City Council to determine fitness for duty. Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians, or mental health practitioner with only a summary report provided to the Mayor of Lockesburg where it will 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 ADA, state worker's compensation offices, state second injury funds, worker's compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations and for insurance purposes. Employees are required to receive Hepatitis B immunizations, or be able to provide a medical waiver from a certified physician, or a shot record that shows proof of prior immunization for Hepatitis B.

### **Other Drug and Alcohol Testing**

Employees are subject to testing for the use of alcohol and illegal substances as outlined in the city's policy on this subject. All employees must obtain from the city of Lockesburg the city's written substance abuse policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy.

**VACATION TIME FOR NON UNIFORM EMPLOYEES**

Vacation time is granted to all employees who have completed 1 year of service.

**VACATION ACCRUAL RATE**

**Years of Service Vacation**

1 year but less than 3 . . . . .	5 working days
3 - 14 Years . . . . .	10 working days
15- 19 Years . . . . .	15 working days
20 Years and over . . . . .	20 working days

The amount of personnel off at any one time will be governed by the Lockesburg City Council and determined upon departmental work loads. Employees should notify their department heads at least 2 weeks in advance of being absent for vacation time. If a city holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee’s vacation may, if requested, be extended for one (1) additional working day. 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 Lockesburg City Council. Accrued vacation days not taken within this time period will be deemed used.

**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, as provided by the laws of the State of Arkansas. The City shall observe the holidays as issued by the Arkansas State Treasurer’s Office, with the exception of Independence Day.

While Independence Day is considered a holiday, the City recommend that employees plan to work the annual Fireworks in the Park. If the employee is unable to work during Fireworks in the Park, advance notice of their absence should be provided to the Mayor. (Changes may be made by the City Council).

**Sick Leave**

The city of Lockesburg recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of Lockesburg provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of 6.67 hours per month or 1.54 hours a week based on an eight (8) hour work day. Any sick days accumulated which are not used in a calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of six (6) weeks or 240 hours.

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

- 1) Personal illness or physical incapacity.
- 2) Quarantine of an employee by a physician or health officer.

3) Illness in the immediate family which would require the employee to take care of the family member(s).

4) 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 may be required by the supervisor or department head to submit a physician's statement.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave. 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.

Employees will not be paid for accrued sick days upon termination employment with the city.

#### **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 Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

Obituaries must be provided in order to receive pay.

#### **Maternity Leave**

Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment related purposes as persons disabled for non-pregnancy related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee will be granted for maternity use after which leave without pay must be used and in accordance with the City's Family Medical Leave Policy, if applicable.

#### **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 U.S.C. § 4301 *et seq.*, and in ACA 21-4-102. It is the city's policy to honor and comply with the provisions of

those statutes. In addition, 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. (ACA 21-4-102).

### **Miscellaneous Leave**

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance at such meetings must be pre-approved by the Lockesburg City Council. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy.

### **Employee Health Benefits**

The city of Lockesburg will pay one-half (1/2) of the full-time employees health insurance through a plan that is agreeable to the employee and the City Council.

## **RETIREMENT**

The City of Lockesburg participates in the Arkansas Public Employees Retirement system (APERS). All employees working 20 hours per week or more will be enrolled in the program. APER requires members enrolled after July 2005 be contributory members. That percentage deduction will be withheld from employees pay.

### **Occupational Injuries**

All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his 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 Department bulletin boards.

### **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.

## **MATTERS AFFECTING THE STATUS OF EMPLOYEES**

### **Attendance**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by The Lockesburg City Council.

### **Work Hours**

All employees shall be forty (40) hours per week which begin each Wednesday at 5:00 p.m.

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 Lockesburg. In 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 practicable. Whenever possible, employee work schedules shall provide a rest period (15 minute break) during each four-hour work shift. Reasonable time off for a meal will be provided.

### **Overtime**

Overtime will be paid for hours worked in excess of 40 worked hours per week. The rate of pay for overtime shall be one and one-half (1 1/2) the employee's normal hourly rate.

### **PAYROLL RECORDS**

The Deputy Municipal Clerk 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.

### **PAYROLL PROCEDURES AND PAYDAY**

Employees are paid every Friday. 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 Deputy Municipal Clerk. If not satisfactorily rectified the employee should follow through by going to their department head or the Mayor.

### **JOB SAFETY**

The City of Lockesburg 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.

### **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 Lockesburg.

### **RESIGNATION/TERMINATION**

Employees who wish to terminate their employment with the City of Lockesburg 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 maybe entitled commence in a timely manner. All employment relationships with the City of Lockesburg are on an at-will basis. Thus, although the City of Lockesburg hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

### **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.

### **JOB DESCRIPTIONS**

It shall be the responsibility of the Mayor and City Council 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.

## STANDARDS OF CONDUCT

### **COMMUNICATING WITH THE PUBLIC**

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

### **GUIDELINES FOR APPROPRIATE CONDUCT**

The City of Lockesburg 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 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.
- 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.

## **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.

## **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.

## **OUTSIDE COMPENSATION**

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee; it shall be credited to a designated employee fund with approval of the City Council.

## **USE OF NARCOTICS, ALCOHOL AND TOBACCO**

Employees of the city of Lockesburg 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.

## **DRUG-FREE WORKPLACE**

It is the policy of the city of Lockesburg 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 Lockesburg 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.

**REMOVAL OF CITY PROPERTY**

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from the Mayor or City Council.

**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.

**POLICY CHANGES**

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

NOW, THEREFORE BE IT ORDAINED THAT THIS ORDINANCE WILL  
BECOME LAW AND BE SIGNED INTO LAW BY THE VOTE OF THE  
LOCKESBURG CITY COUNCIL THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor, Danny Ruth

\_\_\_\_\_  
Recorder/Treasurer, R. Susie Thompson

(SEAL)

**RECEIPT OF CITY OF LOCKESBURG PERSONNEL ORDINANCE**

(To be placed in employee's personnel file)

I, \_\_\_\_\_, acknowledge receipt of the City of Lockesburg Personnel Policy. I understand that this Handbook is not a contract. I understand that reading this Policy 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 the Mayor or my supervisor.

Signed \_\_\_\_\_

Date \_\_\_\_\_