



**A G E N D A**  
**SILOAM SPRINGS BOARD OF DIRECTORS**  
**MARCH 1, 2016**  
**BOARD MEETING - 6:30 PM**  
**ADMINISTRATION BUILDING, 400 N. BROADWAY**

**Regular Board of Directors Meeting:**

**Opening of Regularly Scheduled Meeting**

Call to Order

Roll Call

Prayer

Pledge of Allegiance

**Approval of Minutes**

Regular Meeting of February 16, 2016

**I. Public Input**

Items from the Public not on the Agenda (public may address any City business not listed on the agenda)

**II. Regularly Scheduled Items**

**Contracts and Approvals**

**A.** Purchase Request / Ford F450 4x4 dump truck / Superior Automotive / \$53,545

**B.** Purchase Request / 2016 Freightliner Knuckle Boom Truck / River City Hydraulics / \$131,831.94

**Resolutions**

**C.** Resolution 06-16 / Employee Handbook Amendments

**D.** Resolution 07-16 / AHTD Real Estate Sale / Cheri Whitlock Overpass / \$3,275

**Staff Reports**

**E.** Administrator's Report

**III. Directors Reports**

**IV. Executive Session**

City Administrator Employment

**V. Adjournment**

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD FEBRUARY 16, 2016

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, on February 16, 2016.

The Meeting was called to order by Mayor Turner.

Roll Call: Smiley, Burns, Beers, Smith, Jones, Coleman, Johnson –Present

Phillip Patterson, City Administrator; Jay Williams, City Attorney; Renea Ellis, City Clerk; James Wilmeth, Police Chief; Greg Neely, Fire Chief; Don Clark, Community Services Director; present.

Opening prayer was led by Frank Johnson.

Mayor John Turner led the Pledge of Allegiance.

A copy of the February 2, 2016 minutes of the regular meeting had previously been given to each Director. A Motion was made by Smiley and seconded by Jones to accept the minutes. Mayor called for a voice vote. Motion passed unanimously.

The first agenda item was the Open Hearing for Citizens Present.

Don Cundiff, 601 W. Tahlequah, said a city is known by how it treats its citizens and how it handles various matters. He went on to say the U.S. flag at the Community Building is a disgrace. He also stated he has explained to several people what the political signs that read “Vote Ext.” means.

The next item on the agenda: Ordinance 16-02 / 3<sup>rd</sup> Reading / Amend Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders.

Discussion: Phillip Patterson, City Administrator, briefed the item which allows up to \$500 on 5% preference to local bidders. A Motion to Place Ordinance 16-02 / Amend Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders on its third reading, suspending the rules and reading title only, was made by Smiley and seconded by Johnson.

Roll Call:

Burns, Beers, Smith, Jones, Coleman, Johnson, Smiley –Aye.

7 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING ARTICLE VI, DIVISION 1 OF THE SILOAM SPRINGS MUNICIPAL CODE TO ADD SECTION 2-227 REGARDING A PREFERENCE FOR MUNICIPAL BIDDERS.**

Was read on its third reading.

A Motion to adopt Ordinance 16-02 / Amending Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders was made by Smith and seconded by Smiley.

Roll Call:

Beers, Smith, Jones, Coleman, Johnson, Smiley, Burns –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Ordinance 16-03 / 3<sup>rd</sup> Reading / Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates.

Discussion: Don Clark, Community Services Director, briefed the item. He stated this is to simplify and make rates more consistent. Johnson asked if there will still be a 10% discount on passes purchased in April. Clark answered no. Smiley thanked staff for their work on this item. A Motion to Place Ordinance 16-03 / Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates on its third reading, suspending the rules and reading title only, was made by Johnson and seconded by Smiley.

Roll Call:

Smith, Jones, Coleman, Johnson, Smiley, Burns, Beers –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING SECTION 74-72(a) OF THE SILOAM SPRINGS MUNICIPAL CODE; REVISING RATES FOR THE FAMILY AQUATIC CENTER.**

Was read on its third reading.

A Motion to adopt Ordinance 16-03 Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates was made by Smiley and seconded by Smith.

Roll Call:

Jones, Coleman, Johnson, Smiley, Burns, Beers, Smith –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Resolution 05-16 / Authorize Sale of Real Property to La-Z-Boy Chair Company.

Discussion: Jay Williams, City Attorney, briefed the item and went over the circumstances allowing bond rates for municipalities (Act 9 Bonds). Smith thanked Williams for the explanation. Beers asked how long La-Z-Boy had been here and expressed his appreciation the forward thinkers in the past for allowing this to happen. Burns stated he worked there for a time for Wally Swiderski. He stated he is glad to see La-Z-Boy still here providing employment opportunities and making fine furniture. A Motion to approve Resolution 05-16 / Authorizing the Sale of Real Property to La-Z-Boy Chair Company was made by Smiley and seconded by Beers.

Roll Call:

Coleman, Johnson, Smiley, Burns, Beers, Smith, Jones –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

Administrator's Report: Phillip Patterson, City Administrator, thanked Chief Neely for his work in getting the Mid-South Fire Conference in Siloam during July 28 and 29 at John Brown University's Simmons Great Hall. He expressed what a great opportunity this will be for the City to showcase its amenities and local businesses.

Open Hearing of Directors: Mayor reminded everyone to purchase tickets to the Chamber of Commerce banquet on March 1<sup>st</sup>. He also encouraged everyone to vote responsibility on the request to extend the  $\frac{3}{8}\%$  sales tax. Beers spoke of savings to citizens with recycling, and that we'll be saving \$50,000-\$60,000 per year. He stated the 'Tree City Award' and 'Volunteer City Award' from the Arkansas Municipal League should both be easy for the City to earn and asked staff to look into those. Burns stated he changed the flags for many years at the Community Building. He suggested simply calling the Fire department and that they would likely change out the flag. He then thanked Main Street for their presentation. He stated Bob Highfill asked about recycling many times, and was glad to see it. Johnson stated he voted, and encouraged everyone else to vote. Smith thanked the Library staff for assistance ordering a new book, *Walkable City*; Parks and Recreation for a great Daddy Daughter Dance; the City for working with Travis Chaney at John Brown University and the Illinois River Partnership to identify locations along the river for tree planting. She stated volunteers will be needed to help with tree planting. She then thanked Main Street for their wonderful presentation. She reminded everyone of the Main Street fundraising event at 28 Springs on April 8<sup>th</sup>. Smiley thanked Chief Neely for assistance with the Mid-South Fire Conference arrangements. She stated she also voted, and encouraged everyone to do the same. She expressed thanks to Main Street and the Chamber of Commerce. She stated she signed up for CodeRed and encouraged everyone to sign up for alerts. She stated the museum is having a fundraiser next week at 28 Springs with a 1920's theme. Coleman stated he is extremely pleased with Meredith Bergstrom and Main Street staff for their presentation and hard work. He said he is pleased to see Jefferson Street reopened and how pleased and excited he is for the opening of the new Library.

Coleman then made a motion to adjourn; seconded by Smiley. The Mayor called for a voice vote. All Ayes. Motion passed.

Meeting adjourned.

APPROVED:

ATTEST:

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John Mark Turner, Mayor

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Renea Ellis, City Clerk

{seal}



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## STAFF REPORT

TO: Phillip Patterson, City Administrator  
FROM: Steve Gorszczyk, Public Works Director  
DATE: February 19, 2016  
SUBJECT: Purchase Request / Ford F450 4x4 dump truck / Superior Automotive / \$53,545

**Recommendation:** Approve the purchase a Ford F450 4x4 dump truck from Superior Automotive for \$53,545

**Background:** The Street Department wishes to purchase a new small dump truck to replace their current dump truck. The current 1 dump truck is over 20 years old and has broken down. The cost to repair the current truck would be more than purchasing a new one.

This purchase will be made through the NJPA Awarded Contract buying program; contract number: 102811-NAF.

**Fiscal Impact:** The 2016 budget included \$60,000 for this purchase in the Streets Capital Outlay budget. Using the NJPA Awarded buying program, the purchase will come in under budget by \$6,455.00.

**Attachments:** 1. Purchase Request  
2. Quote  
3. NJPA Awarded Contract  
4. Image of truck

# CITY OF SILOAM SPRINGS

## PURCHASE REQUEST

Department: Street

Date: 2/16/2016

Material or Item: Ford F450 4x4 Dump Truck

Explain the need or use for purchase: To replace the 1993 model Ford small dump truck.

Purchase Order Number: \_\_\_\_\_

Funding Source: 20-01-599999-000 (general, sales tax, depreciation, hospital, street, grant, etc.)

**Quotes:**

|    | Company                          | Address<br><small>(Please provide for new vendors)</small> | Phone               | Salesperson     | Cost               |
|----|----------------------------------|--|---------------------|-----------------|--------------------|
| 1) | <u>Superior Automotive Group</u> | _____  | <u>479-393-8282</u> | <u>Jeff Lee</u> | <u>\$53,545.00</u> |
| 2) | _____                            | _____  | _____               | _____           | _____              |
| 3) | _____                            | _____  | _____               | _____           | _____              |

Please recommend the company you wish to purchase from: \_\_\_\_\_

If this company is not the low quote, please explain: This is the only quote as we are purchasing from the NJPA Awarded Contract buying program, Contract # 102811-NAF.

Account Number Requested (charged): 20-01-599999-000

Balance of funds remaining in this account: \_\_\_\_\_

All requests for purchases over \$10,000.00 must include copies of the written quotes.

If unable to obtain three quotes for any reason, attach explanation on separate sheet or purchase order detailing attempts made to obtain quotes and why they were not obtainable.

Dennis Kind 2-16-16 Steve Johnson 2-16-16  
 Supervisor or Department Manager Signature/ Date      Department Director/ Date

\_\_\_\_\_  
 Finance Director Signature/ Date      Department Director/ Date

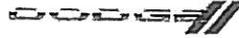
\_\_\_\_\_  
 City Administrator/ Date      Department Director/ Date

# Superior

AUTOMOTIVE GROUP  
Siloam Springs, AR



GMC



Jeep

Mr. Dennis Kindy,

Per our discussion this week on specification for work truck vehicle for the City of Siloam Springs.

#### Ford F450 4X4 Regular Cab / Cab and Chassis 164" WB

- Exterior Color - Oxford White NC
- Seating – Vinyl Bench 40/20/40 NC
- Air Conditioner NC
- XL Work Truck Trim Package
- Radio - AM/FM Stereo STD
- Engine - 6.7 Diesel V8 Opt.
- Transmission - 6 speed Automatic STD
- Rear Axle Ratio – 4.10 STD
- Heavy Duty Alternator STD
- Equipped:
  - Cruise Control
  - Spare Tire and Wheel
  - Jack

#### Dump Bed Equipment

- 84" Cab to Axle 12ft Length X 96 inch width dimensions
- 1/8th treadplate floor
- Structural channel longsills and mainsills
- Rectangle bulkhead with window
- Rub Rail with external stake pockets on each side
- Bumper with 2" receiver tube
- Painted Black
- 24" drop in solid side panels
- 6 Ton Receiver Mount Combination Pintle Hitch and Ball
- 7-Pin Trailer Plug
- Hoist Lift System Installed

Total Cost of Vehicle and Equipment with your City of Siloam Springs association pricing:

**\$53,545.00**

Thank You,

Jeff Lee

Superior Automotive Group  
Fleet & Commercial Sales  
479-393-8282

**Toll Free: 888-528-5398 Fax: 479-524-3150**  
**490 Highway 412 East - Siloam Springs, AR 72761**

Home > National Joint Powers Alliance > FORD > Fleet Services, Parts & Equipment > FORD



## FORD

**NJPA AWARDED**

**Contract#:** 102811-NAF

**Category:** Fleet Services, Parts & Equipment

**Description:** Passenger Cars & Light/Medium/Heavy Duty Trucks

**Maturity Date:** 01/17/2017



The Ford Motor Company is an American multinational automaker headquartered in Dearborn, Michigan. Ford introduced methods for large scale manufacturing of cars and large-scale assembly lines. Ford is the second-largest U.S.-based automaker and the fifth-largest in the world based on 2010 vehicle sales.

Creating new and innovative methods and designs to the market place Ford has positioned itself to handle the every changing needs of its diverse customers around the world. Supplying customers with the right vehicle to fit their need rather it is a compact sedan or a full line Cab-N-Chassis Ford has given the market place options to choose from. With over 213,000 employees at around 90 plants and facilities worldwide, Ford produced 5.532 million automobiles in 2008.

Overview

Contract Documentation

Pricing

Marketing Materials

**HOW TO PURCHASE ?**  
Get step by step guide

### Vendor Contact Info

Jesse Cooper

Direct Phone: 855-289-6572

[Fleet@nationalautofleetgroup.com](mailto:Fleet@nationalautofleetgroup.com)

[www.nationalautofleetgroup.com](http://www.nationalautofleetgroup.com)



Actual truck will include 2' sidewalls around bed.



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## STAFF REPORT

TO: Phillip Patterson, City Administrator  
FROM: Steve Gorsczyk, Public Works Director  
DATE: February 23, 2016  
RE: Purchase Request / 2016 Freightliner Knuckle Boom Truck / River City Hydraulics /  
\$131,831.94

**Recommendation:** Approve the purchase of a 2016 Freightliner Knuckle Boom Truck from River City Hydraulics for \$131,831.94

**Background:** The Solid Waste Division runs a four day per week brush route collecting household quantities of tree limbs and shrubbery. The Solid Waste Division took over the responsibility of the brush operation from the Street Division in 2015.

This truck will become the primary vehicle for brush collection. The current truck will be retained as a backup to allow for uninterrupted service as a result of potential delays such as unforeseen maintenance or repairs.

This purchase will be made through the National Joint Powers Alliance (NJPA) buying program.

**Fiscal Impact:** The 2016 budget include \$140,000 for this purchase in the Solid Waste Capital Outlay budget. Funding is through the 3/8 sales tax fund. Purchasing this truck from River City Hydraulics puts us under budget by \$8,168.06.

**Attachments:** 1. Purchase Request  
2. Truck Quote  
3. Picture of truck

# CITY OF SILOAM SPRINGS

## PURCHASE REQUEST

Department: Sanitation

Date: 2/12/2016

Material or Item: 2016 Knuckleboom Brush truck

Explain the need or use for purchase: Our front line brush truck was purchased in 2003 and is the only truck that is able to run the brush route. It needs to be moved to a second line backup unit.

Purchase Order Number: \_\_\_\_\_

Funding Source: 3/8 sales tax capital (general, sales tax, depreciation, hospital, street, grant, etc.)

**Quotes:**

|    | Company                     | Address<br><small>(Please provide for new vendors)</small> | Phone                | Salesperson           | Cost                |
|----|-----------------------------|--|----------------------|-----------------------|---------------------|
| 1) | <u>River City Hydraulic</u> | <u>122 Magnet DR .Sherwood AR 72120</u>                    | <u>(501)765-1891</u> | <u>Roger Williams</u> | <u>\$131,831.94</u> |
| 2) | _____                       | _____  | _____                | _____                 | _____               |
| 3) | _____                       | _____  | _____                | _____                 | _____               |

Please recommend the company you wish to purchase from: River City Hydraulics

If this company is not the low quote, please explain: This truck is able to be purchased from the NJPA

Account Number Requested (charged): 33-01-199999-000

Balance of funds remaining in this account: \$140,000.00

All requests for purchases over \$10,000.00 must include copies of the written quotes.

If unable to obtain three quotes for any reason, attach explanation on separate sheet or purchase order detailing attempts made to obtain quotes and why they were not available.

*D. Tennis* 2-12-16  
Supervisor or Department Manager Signature/ Date

*Alan Johnson* 2-23-16  
Department Director/ Date

Finance Director Signature/ Date

Department Director/ Date

City Administrator/ Date

Department Director/ Date



**EQUIPMENT**  
**Sales - Service - Repairs**

February 12, 2016

City Siloam Springs  
P.O. Box 80  
Siloam Springs, AR 72761

NJPA Contract # 070313-PI  
City Siloam Springs NJPA # 23777

I am pleased to quote the following for your consideration

One New Petersen Model TL-3 Lightning Loader  
One Model TB-1825 Trash Body  
One New Freightliner Model M2-106

Options on loader listed below  
Options on chassis on following pages.

Heavy Duty Swing Motor  
Standard Bucket  
HD Control Box Throttle Eng. Kill

Quadstick Mech. Controls  
Boom-Up Warning Light/Audible Alarm  
Loader Single Color PI Orange

Dump Body

Standard Barn Doors  
LED Type Body Lights  
Body Color Black

Wire Loom For Body Wiring  
ANSI Z245 Package

TOTAL \$131,831.94

If you have any questions give me a call

Thanks  
Roger Williams  
Sales Manager





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## STAFF REPORT

TO: Mayor and Board of Directors  
FROM: Phillip Patterson, City Administrator  
DATE: February 24, 2016  
RE: Resolution 06-16 / Employee Handbook Amendments

**Recommendation:** Approval of Resolution 06-16 adopting amendments to the Employee Handbook.

**Background:** With the addition of a new City Administrator and a new Human Resource Manager in 2015, staff has been reviewing the existing Employee Handbook for required and needed amendments. A number of the proposed amendments are intended to clarify current processes and operations, and others are proposed to improve or enhance employee benefits. It is our opinion that these amendments will assist the City in the retention of quality employees and allow us to better compete in the marketplace for future employees. The following is a short summary of the various amendments proposed.

1. Update names of Board of Directors, City Administrator and date of adoption.
2. Page numbers in the Table of Contents will be corrected once proposed changes have been adopted.
3. Section 104 – clarifies the authority of the City Administrator to adopt administrative policies that are not less restrictive than the Employee Handbook.
4. Section 202 and throughout the handbook – changes the references of the City Clerk's Office to the Human Resources Division.
5. Section 203 – includes references to texts and instant messages as forms of harassment.
6. Section 209 – establishes that prior approval is required for city employees to hold outside employment.
7. Section 303 – firefighters have been added as one of two classes of employees whose introductory period is 1-year based on state statutes.
8. Section 306 – changes seven (7) day pay periods to work weeks; deletes reference of being paid every week; provides exception for police and fire personnel working greater than 8-hour shifts; clarifies procedures and timelines for annual pay adjustments and reviews; states that new hires and recently promoted existing employees will receive pro rata share of performance based raises and COLA raises based on number of months the position has been occupied; changes provision for topped-out employees to receive bonus in excess of \$1,000 but not greater than the standard wage increase as determined annually by the Board, and that such bonus will be paid in quarterly payments; states that an employee whose pay falls below the minimum pay scale based on an updated pay plan may receive an increase, rather than will receive an immediate increase.
9. Section 307 – deletes references to deadlines for performance appraisals.

10. Section 308 – includes statement authorizing the Police Chief to release certain personnel information based on state statutes.
11. Section 401 – adds the previously approved new insurance benefits to the list.
12. Section 403 – updates vacation accrual rates; deleted provision requiring each employee to take 5 consecutive days of vacation per year; deleted separate provisions for dispatchers and community service officers.
13. Section 404 – deletes reference to Director of Operations.
14. Section 405 – deletes reference to non-uniformed employees; added provision for religious holidays not formally recognized by the City; changes floating birthday holiday to just a floating holiday.
15. Section 406 – deletes reference to non-exempt police officers (per state statute); deletes references to dispatchers and community service officers; deletes the statement that a department head may, after working 2 hours, be absent for the remainder of the day without using vacation or sick leave; provides for an additional cash out option upon separation of employment after 5 years at a rate of 1 hour for each 3 hours accrued sick leave for non-fire/police; affirms the amount of sick leave carryover for uniformed fire/police personnel per state statutes; and, provides policies on personal leave of absence and a catastrophic leave/donation program.
16. Section 407 – clarifies that for an employee to receive city pay for their time on jury duty, the employee must submit any jury duty pay received from the courts to the City.
17. Section 408 – conforms COBRA benefit statements to federal standards.
18. Section 409 – deletes requirement for bereavement leave to be consecutive days; specifies bereavement hours for employees with 8-hour shifts, 12-hour shifts and 24-hour shifts; and, includes the ability for a supervisor to request obituary or other certification of death.
19. Sections 412 and 415 – includes references to the City’s voluntary short-term disability and life insurance/accidental death policies.
20. Section 502 - references two (2) week pay period beginning May 1, 2016 rather than a one (1) week pay period.
21. Section 603 – provides additional policies regarding data storage and computer security.
22. Section 608 – clarifies that cell phones should not be used while driving city vehicles.
23. Section 609 – clarifies notification procedure for emergency closings of city facilities.
24. Section 702 – clarifies procedures for post-accident testing.
25. Section 703 – clarifies procedures for inspection of desks, lockers, etc.
26. Section 704 – clarifies city’s position regarding piercings or tattoos.
27. Section 706 – clarifies that a city employee must notify city if they serve on boards of organizations doing business with the city.
28. Section 707 – establishes procedures for progressive discipline program.

**Fiscal Impact:** The majority of the proposed amendments to the Employee Handbook will not have a fiscal impact on the City. However, the sick leave policy change that will allow for payment of one-third of an employee’s banked sick leave upon their separation with the City will have an impact. In addition, this change will require the City to accrue the total amount annually as a potential liability. The amount that would need to be accrued for 2016 is \$13,505. This amount will increase as more employees obtain 5-year anniversaries, and decrease as more employees obtain 20-year anniversaries.

**Attachments:**

Resolution 06-16, with redlined copy of Employee Handbook

**RESOLUTION 06-16**

**A RESOLUTION ADOPTING AN AMENDED CITY OF  
SILOAM SPRINGS EMPLOYEE HANDBOOK**

**WHEREAS**, the Siloam Springs Employee Handbook contains various policies governing employment with the City and City employee conduct; and

**WHEREAS**, City Code §2-101 provides that proposed amendments to the Employee Handbook shall be presented by resolution to the Siloam Springs Board of Directors by the city administrator at a regularly scheduled meeting of the Board; and

**WHEREAS**, city staff has determined a need to update the Employee Handbook for the purposes of clarifying current operations and practices, complying with state statutes, and modifying employee benefits.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Directors of the City of Siloam Springs, as follows: the Siloam Springs Employee Handbook, attached to this resolution as Exhibit A, is hereby adopted subject to the changes as shown therein.

**DONE AND RESOLVED** this 1<sup>st</sup> day of March 2016

**APPROVED:**

\_\_\_\_\_  
John Mark Turner, Mayor

**ATTEST:**

\_\_\_\_\_  
Renea Ellis, City Clerk

{Seal}

EXHIBIT A  
RESOLUTION NO. 06-16



CITY OF  
**Siloam Springs**  
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# *Employee Handbook*



**Mayor**  
**John Mark Turner**

**Board of Directors**

~~Dennis Brown~~Steve Beers

~~Ken Krafft~~Brad Burns

~~James Fuller~~Bob Coleman

~~Judy Nation~~Frank Johnson

Scott Jones

Carol Smiley

Amy Smith

**City Administrator**

~~David Cameron~~Phillip R. Patterson

Adopted ~~July 16, 2013~~Replace with date

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# CITY OF Siloam Springs

OFFICE OF THE CITY ADMINISTRATOR

February, 2016

Dear City of Siloam Springs Employee:

In 2016 a detailed review and revision of the Employee Handbook was completed. The revisions and updates have been made in order to comply with changes in Federal, State and local laws, as well as changes to internal policies and programs. The Handbook is designed to acquaint you with the City of Siloam Springs' policies and procedures that affect your employment with the City, and provide you with information regarding employee benefits. It is also designed to inform you of the City's expectation of you as an employee. The most important thing that I hope this Handbook conveys to you is that the City views our employees as our greatest resource. We value our employees and their ability to work as a team accomplishing varied and sometimes difficult tasks; we value the excellent customer service that our employees provide, and we value their achievements. One of our many objectives is to ensure that our employees are provided with a work environment that is conducive to both personal and professional growth.

Please take the time to review this Handbook and familiarize yourself with its contents. After completing your review, please sign the enclosed acknowledgment form found in the back of the Handbook and return it to the Human Resources personnel during your orientation so that it may be placed in your personnel file. If you have any questions regarding this Handbook please contact your supervisor or the Human Resources Division.

Lastly, I would like to acknowledge and thank the staff of the Human Resources Division, the Department Directors, and the City Attorney for their work in preparing this updated Handbook. Their efforts are most appreciated. In addition, I would also like to thank the Mayor and Board of Directors for their review and approval of this update.

Sincerely,

Phillip R. Patterson  
City Administrator

# **SECTION 1**

## **INTRODUCTION**

## **101 INTRODUCTORY STATEMENT\***

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

No employee handbook can anticipate every circumstance or question about policy. As our City continues to grow, the need may arise and the City reserves the right to revise, supplement, or rescind any policy or portion of the handbook from time to time, as it deems appropriate, at its sole and absolute discretion. It also reserves the right to interpret and to vary any policy when, in its determination, circumstances so warrant. **THE ONLY EXCEPTION TO ANY CHANGES IS OUR EMPLOYMENT-AT-WILL POLICY PERMITTING YOU OR THE CITY TO END OUR RELATIONSHIP FOR ANY REASON AT ANY TIME.** The employment-at-will policy can be changed only by a written agreement, setting a definite term of employment, which is signed by the City Administrator. Employees will be notified of changes to the handbook as they occur.

Some benefits mentioned in this handbook are covered by a formal insurance policy or written benefit plan. In the event of any conflict between an insurance policy or formal written benefit plan and the benefit description in this handbook, the insurance policy or formal written benefit plan will control.

This handbook supersedes all prior policies, practices and handbooks and may not be amended or added to without the express written approval of the City Administrator with the approval of the City's Board of Directors.

\* It is always the City's intent to comply with all applicable laws. In the event anything in this Handbook is found contrary to applicable law, the applicable law will control.

## **102 HIRING**

The Siloam Springs Board of Directors establishes the number and compensation of all City employee positions. The job title, classification, and annual pay rate will be specified by department and will not be exceeded unless authorized by the Board of Directors.

The City Administrator will hire all City employees unless he/she delegates the hiring to Department Heads.

## **103 MISSION STATEMENT**

To deliver effective municipal services through the partnership of community and government.

## 104 DEPARTMENT POLICY

Specific written personnel policies of any department which are not less restrictive than the overall personnel policy of the City will be considered as part of this ~~policy~~[Employee Handbook](#), but applicable only to that department and upon that policy being approved by the City Administrator.

The City Administrator shall have the authority to establish ~~policy to follow during a pandemic~~[administrative policies that may be applicable to all departments which are not less restrictive than the overall personnel policies of the City. Such administrative policies shall be considered as part of this Employee Handbook.](#)

**SECTION 2**  
**EMPLOYMENT**

## **201 EMPLOYMENT AT-WILL**

Employment with the City is voluntarily entered into, and the employee and the City may terminate the employment relationship at-will at any time, with or without notice or cause.

Nothing herein will be construed to create any right to continued employment with the City or to create any vested right to any benefit set forth herein.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City's sole discretion. Employment at-will can be changed only by a written contract, setting a definite term of employment, signed by the City Administrator.

## **202 EMPLOYEE RELATIONS**

The City believes that the work conditions, wages, and benefits it offers its employees are competitive with those offered by other employers and municipalities in this area. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their immediate Supervisor, Department Head, or the [Human Resource Division](#) ~~office of the City Clerk~~.

## **203 EQUAL OPPORTUNITY EMPLOYMENT/ANTI-HARASSMENT**

The City is an equal opportunity employer. As such, and in accordance with applicable law, the City will not discriminate against any employee or applicant for employment on the basis of race, color, religion, gender, sex, age, national origin, disability, genetic information or any other trait protected by law.

The City's policy against discrimination also prohibits harassment of applicants and employees. As used in this policy, harassment refers to conduct, gestures, comments, slurs, jokes, pictures, cartoons, [texts, IM \(instant messages\)](#) -and other material which is based on a protected trait (such as race, sex, age, religion, national origin, disability, [any other trait protected by law etc.](#)) and which would be unwelcome and offensive to a reasonable person. This policy covers harassment on the basis of any trait protected by law, including sexual harassment.

While it is not easy to define precisely what harassment is, it includes any physical, verbal and visual conduct that creates an intimidating, offensive, or hostile environment, which interferes with work performance. Such conduct constitutes harassment when:

1. Submission to the conduct is made either an implicit or explicit condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision; or

3. The harassment interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

Each employee must exercise his/her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or other harassment.

The City recognizes that employees may socialize or interact outside of work. Such interactions can impact what employees think of each other and how they interact at work. As a result, all employees should be aware of this policy in any interaction with co-workers, whether inside or outside of the workplace or work hours.

The following are some examples of conduct that may be considered harassment. This list is provided as a sample of inappropriate workplace conduct, but is by no means all-inclusive:

1. Verbal conduct such as epithets, derogatory or insulting jokes or comments, slurs, unwanted sexual advances, or invitations;
2. Visual conduct such as derogatory and/or racially/sexually oriented cartoons, clothing, drawings, posters, photographs or gestures;
3. Transmitting sexually suggestive, derogatory or offensive materials via City computers (e.g., e-mail) or accessing such information on the Internet while at work;
4. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race, or any other protected basis;
5. Threats and demands to submit to sexual requests as a condition of continued employment or receipt of products/services, or to avoid some other loss, and offers of employment benefits or extra services in return for sexual favors; and
6. Retaliation for having reported or threatened to report harassment.

The City does not condone discrimination or harassment by any employee, customer or vendor and does not confer on any Supervisor, Department Head or other person authority to engage in discrimination or harassment. Such conduct is never done with the City's authority and is outside the authority delegated to anyone.

Any employee who believes that he/she is being or has been subjected to conduct prohibited by this policy may confront the person responsible for the conduct and ask that person to stop the conduct. Any such employee, and any employee aware of any conduct prohibited by this policy, is expected immediately to report the prohibited conduct to any one or more of the following:

1. The Department Head
2. The Department Head's supervisor
3. The ~~City Clerk~~ Human Resource Manager

The City would rather know of a problem and have a chance to address it than have an employee not come forward because the employee does not want to put the report in writing or concern that the complaint is untimely, or uncertainty that the conduct violates this policy.

All complaints under this policy will be promptly investigated in as discreet and confidential a manner as is reasonably possible. All employees are expected to fully cooperate in any investigation and to keep confidential their involvement in any investigation. If, after investigation, the City finds that a violation of this policy has occurred, it will promptly implement appropriate remedial action. Such action may include a written warning, additional training, reassignment, probation, suspension or termination of the offender.

After the investigation is completed, the City will report back to the employee who made the complaint and, as appropriate, advise the employee of the results of the investigation and the action taken, if any.

The City will not retaliate against any employee for cooperating in any investigation, or for making a complaint under this policy or bringing a situation to the City's attention in good faith. The City also will not tolerate retaliatory conduct by any employee. Any employee who believes he/she has been retaliated against is urged to make a report or complaint under this policy.

## **204 REASONABLE ACCOMMODATION**

The City will comply with applicable laws requiring reasonable accommodation of a qualified individual with a disability, and of religion. Anyone needing accommodation should promptly contact the ~~office of the City Clerk~~Human Resource ~~and~~Division ~~and~~ make a formal request for accommodation.

## **205 HIRING OF RELATIVES/NEPOTISM**

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

No employee of the City of Siloam Springs may supervise or be supervised by a family member. This policy applies to any relative, higher or lower in the organization, who has the authority to review employment decisions. City employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will be asked to decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide.

However, in order to retain trained and qualified employees and to maintain avenues of promotion for current employees, the City Administrator, with notification to the Board of Directors, may approve situations in which an employee will supervise a family member either directly or indirectly. No member of the family of the City Administrator or any elected official will be hired for any position in City employment.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For purposes of this policy, relatives are defined to include spouses, parents, grandparents, children, grandchildren, brothers, sisters, brothers- and sisters-in-law, fathers- and mothers-in-law, stepparents, stepbrothers, stepsisters, and stepchildren. This policy also applies to individuals who are not legally related but who reside with another employee.

## **206 EMPLOYEE MEDICAL EXAMINATIONS**

To help assure that employees are able to perform their duties safely, a medical examination and/or drug testing is required.

After a job offer has been made to an applicant, a health professional of the City's choice will perform a medical examination and/or a drug test at the City's expense. The offer of employment and assignment to duties is contingent upon completion to the City's satisfaction of the exam. Current employees may be required to take medical examinations or drug tests to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense.

## **207 IMMIGRATION LAW COMPLIANCE**

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid. Former employees may also be required to provide documentation of eligibility to work in the United States if previously provided documentation has expired.

Employees with questions or seeking more information on immigration law issues are encouraged to contact their Department Head or the ~~office of the City Clerk~~Human Resource Division. Employees may raise questions or complaints about immigration law compliance, without fear of reprisal, by using the same procedures contained in the Equal Opportunity Employment/Anti-Harassment policy.

## **208 CONFLICTS OF INTEREST**

Employees have an obligation to conduct City business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards

of operation. Contact your Department Head for more information or if you have questions regarding conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the City Board of Directors. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gains refer to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purpose of this policy, a relative is defined to include spouses, parents, grandparents, children, grandchildren, brothers, sisters, brothers- and sisters-in-law, fathers- and mothers-in-law, stepparents, stepbrothers, stepsisters and stepchildren. This policy also applies to individuals who are not legally related but who reside with another employee.

No "presumption of guilt" is created by the mere existence of a relationship with an outside firm. However, if an employee has any influence on any transaction involving a purchase, contract, or lease, it is imperative that he or she disclose to the City Administrator as soon as possible the existence of any actual or potential conflict of interest so the safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

## 209 OUTSIDE EMPLOYMENT

[Subject to prior approval](#), eEmployees may hold outside employment as long as they meet the performance standards of their job with the City. All employees will be subject to the City's scheduling and performance demands, regardless of any existing outside work requirements.

Employees ~~having or obtaining~~[desiring](#) an outside job while employed by the City must ~~report their request~~ [approval for](#) additional employment **in writing** to their Supervisor. The Department Head and the City Administrator (if needed) will review the outside job for potential conflict of interest. Any conflict must be resolved to the satisfaction of the City Administrator or his/her designee.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from any individual or entity for any material produced or service rendered while performing City employment, except for their official salary and benefits. If the City Administrator determines that an employee's outside work interferes with his or her ability to meet the performance requirements of City employment as established or modified by their Supervisor, Department Head or City Administrator, the employee may be asked to terminate the outside work in order to retain City employment.

Approval of outside employment is subject to review and revocation at any time should performance or conflict issues become apparent.

## **210 RESIDENCY REQUIREMENT**

Except as otherwise set forth below, on or after June 08, 2015 employees who are newly hired as department heads, designated “first responders” and personnel who are on-call, or subject to being on-call, are required, as a condition of employment, to reside within ten (10) miles of the city limits of Siloam Springs.

On or after June 08, 2015 all sworn police personnel and sworn fire department line personnel will be required to reside within twenty (20) miles of the city limits of Siloam Springs.

New employees not residing within the applicable limit shall have one (1) year to obtain qualifying residency, as determined by the City Administrator, from their date of hire.

## **SECTION 3**

# **EMPLOYMENT STATUS AND RECORDS**

### **301 EMPLOYMENT APPLICATIONS**

The City relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **302 EMPLOYMENT CATEGORIES**

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility accordingly.

Each employee is designated as either Non-exempt or Exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provision of federal and state laws. Exempt employees are not entitled to overtime pay under federal and state wage and hour laws. An employee's Exempt or Non-exempt classification may be changed only upon written notification from City management.

**FULL-TIME** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least 40 hours per week. Generally, full-time employees are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work less than 40 hours per week. Such employees receive only legally mandated benefits, such as Social Security and Workers' Compensation Insurance.

**INTRODUCTORY** employees are those whose performance is being evaluated to determine whether further employment in a specific position with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. See section 303 for additional information on this status.

**TEMPORARY** employees (including seasonal) are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. Temporary employees receive only legally mandated benefits such as Social Security and Worker's Compensation Insurance.

### **303 INTRODUCTORY PERIOD**

The introductory period is intended to provide new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits and overall performance. Either the employee or the City may end the employment relationship

at will at any time during or after this introductory period, with or without cause or advance notice.

With the exception of uniformed police and fire personnel -who work on an introductory basis of one year, all new and rehired employees work on an introductory basis for the first 30 calendar days after their date of hire. Employees who are promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

### ***30-DAY WAITING PERIOD FOR GROUP BENEFITS***

~~During the initial 30-day introductory period,~~ New employees are eligible, during their first 30-days, for ~~those~~ benefits that are required by law, such as Social Security and Workers' Compensation Insurance and may be eligible for other City sponsored benefits subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefit program for the detail on eligibility requirements.

Benefits eligibility and employment status are not changed during a secondary introductory period that results from promotion or transfer within the City, unless the employee is going from a full-time to part-time or part-time to full-time position.

Exempt employees may be employed under circumstances approved by the City Administrator and the Board of Directors.

### **304 ACCESS TO PERSONNEL FILES**

The City maintains a personnel file on each employee. The personnel file contains such information as the employee's employment application, resume, records of training, documentation of performance appraisals and pay adjustments, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisory and management personnel of the City who have a legitimate reason to review information in a personnel file are allowed access. Employees who wish to review their own personnel file should contact their Department Head. With reasonable advance notice, employees may review their own personnel file in the office of the ~~City Clerk~~Human Resource Division and with an ~~individual appointed by the City to maintain such files~~individual from the Human Resource Division.

## 305 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify his or her Department Head of any changes in personal mailing address, telephone number, marital status, number of dependents for tax withholding or insurance purposes, emergency contacts, and educational accomplishments.

## 306 WAGE ADMINISTRATION PROGRAM

**Definition.** The Wage Administration program is an informal system for classifying positions. It is divided into two distinct programs, the Compensation Program, which deals with raises, promotions, and performance reviews, and the Classification System, which deals with wage ranges, job descriptions, and classification of positions.

The Wage Administration program is not binding, and shall not be read as creating vested rights in any person, or as altering the “at will” basis of all City employment.

**Compensation Program.** The foundation of the compensation program is the “Wage Plan”, which lists all jobs in their assigned wage range. On an annual basis, as part of the budget process, the wage plan should be reviewed by Department Heads, Human Resources, and the City Administrator. Any proposed changes to the plan should be forwarded to the City Administrator for consideration, and, if recommended by the City Administrator, submitted to the Board of Directors for approval. If approved by the Board of Directors, the wage plan should apply to all jobs in the City for the following calendar year, or until changes are approved/made, or a new plan is adopted by the Board of Directors. Any changes requested during the year should follow the same approval process.

**Distribution of Pay.** All employees work ~~during a~~ seven-day ~~pay periods~~ work week ending on midnight on Sundays, ~~and are paid every week (weekly), except police and fire department personnel who work regularly scheduled shifts greater than 8 hours per day.~~ Employees must provide the necessary information in order for their paychecks to be directly deposited in the bank of their choice. Employees ~~should~~ will receive an electronic pay stub every ~~Friday~~ payday reflecting their earnings and deductions ~~until the information is available electronically.~~ In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

**Pay Rates for New Employees.** It is the intent of the wage plan that the starting wage for a new employee should be based upon qualifications and experience. Offers above the minimum range should only be made when a selected candidate exceeds the minimum qualifications stated in the job description, and when it has been determined that the candidate is the best one for the position.

Department Heads should take into consideration the wages of other employees already in the department, when extending any offer above the minimum range, to guard against “compression” problems that may be created with the wages of other employees. Department Heads must also be certain that their wage budget will cover the funding of a position above the minimum of the range.

**New Hire Raises and Reviews.** At the discretion of the employee's Department Head, upon completion of the employee's first six months as a new full-time employee, or in a new position following a transfer or a promotion, the employee may be given a pay increase. The Department Head's request for a pay increase should be accompanied by a written performance review. The pay increase may not exceed one-half (1/2) of the average budgeted raise for the department in that budget year. The effective date of the raise, if given, should be at the beginning of the ~~pay period~~work week in which the employee's first six months ends. The employee's anniversary date does not change after a six-month raise is given. Part-time and temporary (including seasonal) employees are not eligible for a six-month increase. Recognition of successful completion of six months of employment does not alter the City's at-will employment policy, nor does it create an employment contract.

**Annual Pay Adjustments and Reviews.** The City strives to recognize good performance, and provide employees with suggestions for improvement when necessary. Consistent with this goal, an employee's performance should be evaluated by their Supervisor on an on-going basis. Written performance reviews should be conducted annually as determined by the City Administrator~~by February 1<sup>st</sup> of each year and should document the prior twelve month's performance.~~

All written performance reviews should be based on the employee's overall job performance in relation to the employee's job responsibilities including such factors as conduct, attendance, judgment and initiative.

Prior to writing performance reviews, Department Heads request input from the employee's co-workers, other employees, or Supervisors in their department or other departments. The Department Head may determine the weight to be given to the staff input.

The Supervisor who completes the written review should discuss it "in person" with the employee prior to asking the employee for their signature. The employee's signature does not indicate agreement with the review, but only confirms that the contents of it have been reviewed and discussed with the Supervisor, and that the employee has received a copy.

The employee should be given an opportunity to write comments on the review at the time of signature, or within a reasonable period of time.

In addition to the annual performance reviews, a special written performance evaluation may be conducted by the employee's Department Head at any time to advise the employee of his/her current level of performance, and where appropriate, to address the existence of performance or disciplinary problems and solutions.

**Annual Performance Ratings.** Employees should be "evaluated" annually using a numerical grade range of One (1) to Five (5), with one being the lowest and five being the highest. A grade of Three (3) is considered meeting **ALL** the performance requirements of the job. Any number lower than three (3) is considered to be below requirements and any number above three (3) is considered to be above the requirements.

Department Heads should review all performance reviews in their designated areas of responsibility prior to the evaluation being given to the employee or forwarded to the Human

Resource ~~department~~Division for processing. It is recommended that reviews with an above average or below average rating be approved by the Department Head before being discussed with the employee. The employee should be given a photocopy of the written performance review after signatures are obtained. The original should be submitted to Human Resources, following review and discussion with the employee, to be filed in the employee's personnel file.

**Annual Performance Adjustments.** Once the performance evaluation is complete, the City may consider a "performance adjustment". The City Administrator and the Board of Directors annually may determine a standard wage increase percentage for use in the preparation of the annual budget. There ordinarily should be a rough correlation between the percentage of increase given and the overall rating on the performance review. There ordinarily should be no factors determining the percentage of increase given, other than the employee's demonstrated work performance under actual circumstances. For new hires, or employees who have been promoted to new positions, each month will represent 1/12<sup>th</sup> of the employee's performance adjustment.

Employees whose performance is consistently below average should generally receive a "below the average" increase, or no increase at all. Employees whose performance is evaluated as consistently above average may receive an "above the average" increase. ~~, not to exceed 10%, if approved by the City Administrator. Department Heads recommending an above average increase should plan ahead to allow time for the written recommendation to be submitted to and approved by the City Administrator, prior to the performance review discussion with the employee. The employee should be informed of the amount of pay increase, if any, only at the time of the performance review discussion.~~

Each department is typically given a determined annual average increase as part of the annual budget process approved by the Board of Directors. That budget percentage is the guideline ~~to~~ used to determine a standard pay increase. ~~, but Department Heads may give above average and below average raises, keeping their total department wages within the budgeted amount for that payroll year.~~ Employees who are at the maximum of their wage range are not eligible for a pay increase. The City Administrator may give a performance bonus ~~not to exceed \$1,000.00 if budget allows~~ in line with the standard wage increase as determined by the Board of Directors. Any such performance bonus will be subject to the employee's performance evaluation, and will be paid quarterly in the calendar year.

~~Any requests for a pay adjustment should be submitted on a Payroll Notice (P.N.) form to the Human Resources office at least five days prior to the end of the relevant pay period. This is to allow sufficient time for processing prior to processing weekly payroll entries. If the percentage requested is above the standard budgeted increase for that year, the Department Head should submit a detailed written recommendation, indicating the employee's exemplary and commendable performance, to Human Resources to be forwarded to the City Administrator for written approval. The proposed pay increase should not be discussed with the employee until after receiving written approval from the City Administrator. Once necessary levels of approval have been obtained, the employee may be informed of the amount of increase prior to receiving the payroll check in which the raise is first included.~~

**Leaves of Absence.** If an employee's anniversary date falls during a paid time off, the Department Head may process and implement the raise on the normal effective date, and the performance review should then be given to the employee upon return.

**Special Adjustments.** The City Administrator has authority to approve raises as a special pay adjustment ~~outside of the employee's anniversary date,~~ when deemed appropriate for reasons such as demonstration of outstanding performance, competitive market factors, etc. These adjustments should be given only at the beginning of a pay period work week. Special pay adjustments are not designed for routine or standard practices or events. Graduation from school, completion of training programs, or meeting normal expectations, is not grounds for special adjustments. The performance should be truly "outstanding" and above and beyond the expectations of the job.

A detailed written recommendation must be forwarded to the City Administrator with the Payroll Notice sheet, outlining the outstanding performance. Employees at the maximum of their wage range are not eligible for special adjustments.

**Cost of Living Adjustments.** Each year the City Administrator may decide whether inflation warrants a recommendation be presented to the Board of Directors for a Cost of Living Adjustment (COLA). The recommendation should normally be based on a Consumer Price Index (CPI) for the most recent rolling twelve months. If recommended to and approved by the Board of Directors, the COLA should be applied equally to all ranges and/or employee wages except those of elected officials, and should be effective at the beginning of the pay period work week that is designated by the Board of Directors. For new hires, or employees who have been promoted to new positions, each month will represent 1/12<sup>th</sup> of the employee's cost of living adjustment.

**Promotions.** Promotions are defined as "advancements" to a position of a higher wage range where the duties and responsibilities are significantly different and greater; e.g., advancement from Police Officer to Police Sergeant. Department Heads should consider the wages of other employees already in the job classification when considering an employee for promotion, whether the promotion is of an internal department employee or a transfer from another department. The City strives to avoid compression problems ~~created by~~ promotion. If there is a potential compression problem, the Department Head should assume that the candidate for promotion earned the pre-promotion rate of pay because of the value to the City of the position held prior to the promotion. When the candidate is a trainee in a new field, there may be justification for not awarding a promotional increase. Requests to award a smaller than normal promotional increase should be reviewed by the City Administrator.

~~**Relative to Annual Review Date.** All promotions result in a change to the employee's annual review date. Newly promoted employees should receive a new annual review date 12 months from the date of the promotion. The percentage of a promotional increase may vary, but may not be more than 10% of the pre-promotion wages. The increase may be higher than 10%; however, with the City Administrator's approval, if, for example, the effective date of the promotion is just prior to what would have been the employee's next annual review date; the employee's promotion date should become the new annual review date for the purpose of determining the timing of future pay adjustments. The employee's former Supervisor should complete a written performance review at the time of the promotion, to close out the period in the former position.~~

**Compensatory Time.** If an employee is promoted from an hourly position to a salaried position, they must use up any accrued compensatory time, prior to the effective date of the promotion.

**Temporary Work at a Higher Classification.** At the discretion of the City Administrator, an employee in a lower level position who is officially assigned to take on the duties of a vacant higher-level position for the duration of a minimum of 60 calendar days may be paid additional wages for assuming extra duties.

**Administrative Upgrades.** It may become necessary from time-to-time for the City to conduct internal or external wage reviews and make administrative changes or upgrades to the wage ranges. These changes must first be approved by the City Administrator and Board of Directors.

As a result of these changes, employees can have their wages affected in two ways. First, employees who were previously “Topped Out” may now be eligible for an annual increase at budget preparation time. Second, employees who were previously in the range, and now fall below the minimum range, may receive an ~~immediate~~ increase to get them to the minimum of the new range. ~~These “Below Grade” employees should also have their next review date changed to the anniversary of the date when they received this administrative increase.~~

### ***Transfers:***

**Lateral Transfers.** If an employee transfers laterally to a job in the same wage range as currently held, whether within or outside of his/her department, there should be no change in pay, and the employee’s anniversary date should not change. The employee’s former Supervisor should complete a written performance review at the time of the transfer to close out the period in the former position.

**Voluntary Transfers to Lower Paid Position.** If an employee requests a voluntary transfer to a different position in a lower wage range, the wage offered may be equal to or less than their current wage. In most cases, a reduction in wage should accompany the reduction in range. To guard against “compression” problems that may be created with the wages of other employees, Department Heads should take into consideration the wages of other employees already in the department, and also the candidate’s current anniversary date. The employee’s transfer date should become his/her new anniversary date for the purpose of determining the timing of future pay adjustments. A performance review should be completed to close out the period in the former position. The employee should sign an acknowledgement of wage change.

**Involuntary Transfer to Lower Position.** If an employee is unable to fulfill the duties of their present position for any reason, and it appears that the employee may be able to perform satisfactory in a position with a lower wage range, the Department Head may offer the employee the option of accepting a demotion to such a position (in lieu of termination) if a vacancy exists. In most cases a reduction in wages should accompany the reduction in position. If a reduction occurs, the employee’s transfer date should become the new anniversary date for determining future pay increases. A performance review should be completed to close out the period in the former position.

**Classification System.** The Classification System provides an inventory of the positions in the City of Siloam Springs. Each position should be assigned a specific wage range and have a written job description.

**Wage Ranges.** Each job description or position should have its own wage range. There may be separate sets of wage ranges for each department.

**Job Descriptions.** All job descriptions should include the essential functions of the job, and the minimum requirements or qualifications needed to perform those essential functions, such as education, work experience, physical requirements, or other factors. The information contained in the job description should help determine the appropriate wage range for the position. A set of job descriptions for all positions in the City should be maintained in the Human Resources office.

**Classification of Positions.** For newly proposed positions, the Department Head should submit to Human Resources for review and signature: (1) a draft of the job description, (2) a narrative description of the reasons for the changes proposed, (3) the recommended wage range, and (4) an organizational chart if the organizational structure will be impacted in any way. The proposal should be forwarded to the City Administrator for consideration. If approved, the proposal should then be submitted to the Board of Directors. If approved by the Board of Directors, the proposal should be incorporated into the pay schedule for the current fiscal year, or at the date set by the Board of Directors. Changes should normally be submitted and considered as part of the annual budget process. Requests should be submitted to the City Administrator by mid-August, in order to allow time to determine the appropriate wage range and cost factors, prior to submitting the proposal to the Board of Directors.

**Reclassification of Positions.** Department Heads may submit a request for a reclassification of a current position in their department at any time. The reclassification may be requested because the position is thought to have been incorrectly classified originally, or because a substantial change is thought to have occurred in the duties and responsibilities assigned to the position. Whether or not there is an incumbent in the position at the time, the decision as to whether a reclassification is appropriate should be based on what the position should be, not on the qualifications of any incumbent. The Department Head should work with Human Resources, following the steps outlined above. Requests for reclassifications of positions from non-exempt (or hourly) to exempt (or salaried) must be evaluated in light of the requirements of the laws which establish criteria for which positions properly are exempt.

**Part-Time Positions.** Part-time positions should be assigned to appropriate pay ranges by the Department Head, in conjunction with the Human Resources. Employees in those positions may be eligible for annual performance increases and COLAs.

**Temporary Positions.** Temporary positions should be used as needed, and only as budgeted and approved. These positions should be assigned to appropriate pay ranges by the Department Head, in conjunction with Human Resources. For both first time and rehired seasonal employees, the pay rate should be determined at the start of each season, staying within the amount budgeted by the department for that year.

**Reorganizations.** In the event of a proposed reorganization, the Department Head should submit to Human Resources for review and signature: (1) a proposed organizational chart, (2) updated job descriptions of any jobs being impacted by the reorganization, and (3) a narrative description of the reasons for the reorganization. The proposal should then be forwarded to the City Administrator for approval.

## 307 PERFORMANCE EVALUATION

**Introductory Evaluation:** Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal day-to-day basis. Evaluations are conducted at the end of an employee's introductory period in any new position. This period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

**Annual Evaluation:** Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive purposeful approaches for meeting goals. ~~Annual written evaluations should begin in December and be completed by February first each year.~~

## 308 EMPLOYEE REFERENCE CHECKS

Occasionally third parties will inquire into a current or former employee's employment history with the City.

Any and all requests for information, either verbal or written, are to be forwarded to the ~~office of the City Clerk~~ Human Resource Division. No information regarding an individual's employment with the City is to be released by any City employee with the exception of the above mentioned. The Police Chief is authorized to release personnel information as required by the Arkansas Commission on Law Enforcement Standards and Training."

The Human Resource Division ~~office of the City Clerk~~ will respond to verbal inquiries with dates of employment and position held. Written requests will be responded to as described by the Arkansas Freedom of Information Act.

## 309 RESIGNATION/TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

Resignation – voluntary employment termination initiated by an employee. (Employees are urged to give at least 2 weeks written notice to their Department Head)

Discharge – involuntary employment termination initiated by the organization for disciplinary or non-disciplinary reasons

Retirement – voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employees will

receive their final pay in accordance with applicable state law. Employees are responsible for all property, materials, or written information issued to them or in their possession or control.

Employees must return all City property immediately upon request or upon termination of employment. Upon termination of employment, regardless of the reason, employees must complete an interview with the ~~Human Resource Division~~ ~~office of the City Clerk~~. Topics covered during the interview include, but may not be limited to, benefit continuance, conversion privileges, accrued benefits that are due and payable at termination, any repayment of any outstanding obligation to the City. Suggestions, complaints and questions can also be voiced at that time.

# **SECTION 4**

## **BENEFITS**

## 401 EMPLOYEE BENEFITS

All full-time eEligible employees are provided a wide range of benefits. A number of the benefit programs such as Social Security, Workers' Compensation Insurance, state disability, and unemployment insurance, cover all employees in the manner prescribed by law. Eligibility for benefits not required by law is dependent upon a variety of factors, including employee classification. Some variations apply if the employee is a uniformed police officer or fire fighter ("Uniformed Employee"). Your Department Head can identify the programs for which you are eligible.

Depending on an employee's category, benefits may include:

Accident Insurance

Bereavement Leave

Cancer Insurance

Citizenship Leave

Group Health Continuation Coverage (COBRA)

Catastrophic Leave/Donation Program

Credit Union

Deferred Compensation

Employee Assistance Program

Family Medical Leave

Health Insurance (Major Medical, Dental, Vision)

Holidays

Life/Accidental Death & Dismemberment Insurance - City paid and voluntary

LOPFI

Long-term Disability

Longevity Pay

Short-term Disability - City paid and voluntary

Sick Leave

Vacation

Vehicle

Some benefit programs require contributions from employees, with a percentage being paid by the City. The City may revoke, suspend or discontinue any benefit provided herein with or without notice to the employee. Contact your Department Head for additional information.

Notwithstanding the foregoing, the Board of Directors may, at its discretion, contract with employees holding professional positions for benefits that differ from those otherwise provided herein. For purposes of this provision, professional positions shall include the city administrator, chief financial officer, city attorney, electric department director, fire chief, police chief, city engineer, senior planner and any additional position designated by the Board. Except in the case of ~~city administrator~~City Administrator, any professional employment contract must be referred by the ~~city administrator~~City Administrator to the Board before being considered.

As previously noted, the benefits described in this handbook are governed by a formal insurance policys or written benefit plan, as well as an accompanying summary plan descriptionss. In the

event of any conflict between the benefit descriptions in this handbook and the formal insurance policy or written benefit plan and summary plan description, the formal insurance policy or written benefit plan and summary plan description will control.

## **402 HEALTH INSURANCE**

The City's health insurance program consists of major medical coverage, dental coverage, and vision coverage. Eligible employees may select among these individual coverages.

Full-time employees are eligible for the City's medical insurance program the first of the month following 30 days of service. Eligible employees can also choose to enroll their legal dependents in the health insurance program in accordance with the terms of the program.

If an employee is enrolled in the City's medical insurance program when the employee retires, and if the employee has at least 20 continuous years of service, then the retiree and the retiree's eligible dependents may continue participating in the City medical insurance program until the retiree is eligible for Medicare. If the employee retires before age 62, the City will be responsible for 60% of the cost of the medical premium for two (2) years, commencing Sept. 1, 2014, for 50% for one year, commencing September 1, 2016, and for 40% commencing September 1, 2017, and thereafter, unless otherwise provided by the Board of Directors. If the employee retires on or after age 62, then the City will be responsible for the cost of the retiree's medical premium, and the retiree will be responsible for the additional cost to cover dependents.

If an employee is enrolled in the City's medical insurance program and becomes permanently disabled, the employee may continue to be enrolled in the City's medical insurance program for 24 months after the date of disability. The City will be responsible for the cost of the disabled employee's medical coverage for 24 months. If the employee's dependents were enrolled in the City's medical insurance program at the time of disability, the dependents will also receive a COBRA election notice and may continue enrollment for the same 24-month period, but the employee will be responsible for the additional cost to cover any dependents. The employee will be required to sign and return a COBRA election notice to extend coverage. The City expressly reserves the right to discontinue or terminate its medical insurance program at any time. No employee, dependent, or beneficiary shall have or attain any vested right, contractual or otherwise, to any further contributions after the City has discontinued or terminated the medical insurance program.

## **403 VACATION BENEFITS**

Vacation time off with pay is available to provide opportunities for rest, relaxation, and personal pursuits.

The vacation time of Uniformed Employees is prescribed by state law. Uniformed police personnel are eligible ~~for to accrue~~ 15 days of vacation ~~after completing one year of service and each year thereafter~~ per year through during the first nineteen-10 years of service; and 20 days of vacation ~~after completing~~ beginning in the 20-11<sup>th</sup> years of service, and each year thereafter.

~~Fire-Uniformed fire department line~~ personnel (excluding exempt personnel) accumulate vacation in terms of 24-hour shifts. Firefighters are eligible ~~for to accrue~~ 7 shifts of vacation ~~after completing one year of service through~~ per year during the first 14-10 years of service. Firefighters are eligible for 10 shifts of vacation ~~after beginning in the 15-11<sup>th</sup> years~~ of service, and each year thereafter.

~~911 Dispatchers and Community Service Officers are eligible for 15 days of vacation after completing one year of service and each year thereafter through 14 years of service; and 20 days of vacation after completing 15 years of service.~~

Non-uniformed employees (~~other than 911 dispatchers and Community Service Officers~~including exempt uniformed fire department personnel) are eligible for vacation time only if they are full-time employees. Their vacation time increases with their years of service, as shown in the schedule below:

| <u>Years of Service</u>                                     | <u>Amount of Vacation</u> |
|---|---------------------------|
| <del>1-5 years</del> <u>5 years but less than 7 years</u>   | 80 hours                  |
| <del>7 years but less than 15 years</del> <u>6-10 years</u> | 120 hours                 |
| <del>15-11</del> years or greater                           | 160 hours                 |

For purposes of calculating vacation time, a year of service is based on a “~~benefit year~~”. ~~An employee’s benefit year is the~~ 12-month period that begins with on the employee’s employment date of hire in a position that is eligible for paid vacation. An employee’s benefit yearvacation accrual may be extended for any significant leave of absence, except military leave, which has no effect on this calculation.

An employee cannot use any vacation time until it has accrued. However, during the first benefit year of employment, an employee who has completed at least 6 months of service may use ~~one-half of the accrued~~ vacation time ~~available following completion of a full benefit year.~~ Vacation time must be used in one hour increments. ~~At least one full unbroken week of accrued (one week of consecutive days for fire and police) vacation time must be taken each year. Holidays may not be counted in the full unbroken week.~~ Vacation time must be pre-approved by the employee’s Supervisor. The use of vacation time before its accrual is prohibited. (To take vacation, employees should request advance approval from their Supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.)

Vacation time is paid at the employee’s base pay rate at the time of vacation. It does not include overtime or any other special forms of compensation such as incentives, bonuses, or shift differentials.

If an employee does not use all of his or her accrued vacation by the end of the benefit year, the employee may carry unused time forward to the next benefit year. If the total amount of accrued but unused vacation time reaches a “cap,” further vacation accrual will stop.

When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again. The cap equals two times the employee’s annual vacation accrual, based upon the employee’s years of service.

Upon termination of employment, employees will be paid for accrued but unused vacation time.

#### **404 DEFERRED COMPENSATION**

The City sponsors a deferred compensation plan under Section 457 of the Internal Revenue Code (the “457 Plan”). The 457 Plan is a separate and very detailed document – this description is intended to serve only as an overview.

The 457 Plan permits both employee and City contributions. Upon completion of the introductory period, a new full-time employee may make contributions to the 457 Plan, up to the limits established by law. After 12 months of continuous, full-time service, an eligible employee’s enrollment in the 457 Plan is mandatory. Upon mandatory enrollment, the employee will be required to make a contribution equal to at least 3% of the employee’s gross earnings; in addition, the City will be required to make a contribution of at least 6% of the employee’s gross earnings. Provided, however, that the employee’s contribution shall not be required if the City’s contribution meets or exceeds the IRS contribution limit. In the event the City’s contribution remains below the IRS maximum, but the employee’s 3% contribution would cause the total to meet or exceed said limit, the employee shall only be required to contribute until the IRS limit is met.

In an effort to provide exempt employees compensation for the time and effort put forth serving the City of Siloam Springs, certain exempt employees will receive a different contribution from the City, as follows:

- City Administrator – 18%
- ~~Director of Operations – 16%~~
- Professional exempt status – 15%
- Department Heads – 15%
- Department managers with budget responsibilities who supervise more than 3 employees – 12%
- Department Supervisors – 10%

All contributions to the 457 Plan are subject to limitations that may be imposed by law or by the 457 Plan document itself. Contributions from the City that exceed the statutory maximum are not permitted, and any such excess funds shall be returned to the City’s General Fund.

#### **405 HOLIDAYS**

On or after the first of the month following 30 days of service, all full-time ~~non-uniformed~~ employees are entitled to the following paid recognized holidays:

1. New Year’s Day – January 1
2. Dr. Martin Luther King Jr.’s and Robert E. Lee’s birthdays – Third Monday in January
3. President’s Day – Third Monday in February
4. Good Friday – Friday before Easter
5. Memorial Day – Last Monday in May
6. Independence Day – July 4
7. Labor Day – First Monday in September

8. Veterans Day – November 11
9. Thanksgiving – Fourth Thursday in November
10. The day after Thanksgiving
11. Christmas Eve – December 24
12. Christmas Day – December 25

Other religious holidays not formally recognized by the City may be granted by the City Administrator on a case by case basis.

In addition to the above holidays, each full-time employee, who is eligible for benefits on January 1<sup>st</sup>, will receive one floating ~~birthday~~ holiday in each ~~benefit-calendar~~ year. ~~Birthday holiday cannot be used in hour increments and must be taken on or after the birthday. Birthday holiday does not roll forward if not used.~~ Time off for ~~a birthday~~the floating holiday must be scheduled with the prior approval of the employee's Supervisor.

Any recognized holiday that falls on a Saturday will be observed the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. Any employee may be scheduled to work on a recognized holiday if the need arises.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. If a non-exempt employee works on a recognized holiday, the employee will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Despite the above statements regarding recognized holidays, state law provides that Uniformed Employees, other than exempt employees, work as scheduled by the Department Head (that is, without regard to the recognized holidays).

## **406 SICK LEAVE BENEFITS**

The sick leave policy is designed to provide full-time employees with "paid time off" for personal illness or injury, or the illness/injury of an immediate family member. This benefit is intended to help eligible employees maintain a stable base pay during short periods of non-occupational illness or injury.

Sick leave is not an entitlement for extra days off, but a benefit to be used only in time of need.

If an employee is frequently absent, or out for more than three consecutive days, he or she will be required to provide their Department Head with a physician's statement confirming the illness or injury, and that he or she is released to return to work. The Department Head will forward the return to work slip to the Human Resource Division to be kept in the employee's file.

Sick leave may only be used for an employee's own or an immediate family member's illness, or medical/dental appointments. Immediate family, for the purpose of sick leave, is defined as a parent, spouse or child. **EXCEPTION: SICK LEAVE USED AS FMLA PAID TIME OFF MUST MEET THE GUIDELINES OF THAT POLICY. SEE SECTION 410.**

### ***Sick Leave Accrual and Use***

Part-time and temporary employees (including seasonal employees) are not eligible for paid sick leave. Full-time employees accrue 8 hours of sick leave for every full month of service, (for a maximum of 12 days per year) except for the following:

- non-exempt uniformed fire department ~~line~~ employees accrue 24 hours of paid sick leave for every full month of service;
- ~~non-exempt~~ uniformed police department employees, ~~911 Dispatchers, and Community Service Officers~~ accrue 13.33 hours for every full month of service.

Accrued sick leave must be used in minimum increments of one (1) hour. If a non-exempt employee has no accrued sick leave, he or she must use accrued vacation for absences due to illness or injury of the employee or immediate family member. In the event that an employee has neither sick leave nor vacation accrued, his or her absence will be without pay.

An exempt employee who has worked at least four (4) hours on a day and is also ill part of the day, and has worked hours outside of his/her normally scheduled hours during the ~~pay period~~ **work week**, does not have to use sick leave for the hours absent that day. ~~A Department Head who has worked at least two (2) hours on a day and is also absent part of the day does not need to use vacation or sick leave for the hours absent that day.~~

Sick leave continues to accrue while an employee is on FMLA leave or other leave of absence. An employee may carryover accrued but unused sick leave from one calendar year to the next, up to the following maximum carryover amounts:

- for ~~non-exempt uniformed~~ fire department ~~line~~ employees, the maximum carryover is 1,440 hours (60 ~~24-hour~~ shifts)
- for ~~uniformed~~ police ~~officer~~ ~~department employees, dispatchers and Community Service Officers~~, the maximum carryover is 798 hours (~~66.5 12-hour~~ shifts)
- for all other employees, the maximum carryover is 480 hours (60 ~~days~~ ~~8-hour~~ shifts)

If an employee has been employed for the entire calendar year in a full-time position and used no sick leave within that calendar year, then the employee will be awarded two ~~days of~~ vacation ~~days~~<sup>2</sup> time for the following calendar year; ~~if the employee used no more than and at the end of a calendar year, if an employee has accrued less than the maximum carryover and has used between one hour and~~ eight hours or one shift of sick leave within that calendar year, then the employee will be awarded one additional day of vacation time for the following year.

## ***Cashing Out Sick Leave***

Except as set forth below, an employee is not permitted to receive cash in exchange for sick leave.

At the end of a calendar year, if an employee has accrued unused sick leave in excess of the maximum carryover (described above), then the employee will be paid for the excess sick leave, up to a maximum of one (1) week of pay. Eligible employees will be allowed to use two sick days and still receive the benefit buyout of one week's pay. However, after two days are used, any sick time used will be subtracted from the one-week maximum pay. The payment will be processed during the second payroll period following the applicable calendar year.

Upon separation of employment, employees with continuous service between 5 and 20 years, will be paid for the employee's accrued but unused sick leave at regular pay and at a rate of one (1) hour for every three (3) hours, up to a maximum of 20 days (160 hours) of sick leave. In accordance with State Statute §14-52-107, a police officer shall be paid accrued but unused sick leave at regular pay, up to a maximum of 60 days (480 hours). In accordance with State Statute §14-53-108, a firefighter shall be paid accrued but unused sick leave at regular pay, up to a maximum of three (3) months' salary.

If an employee retires with more than 20 continuous years of service, then the retiree will be paid for the employee's accrued but unused sick leave, up to a maximum of 60 days (480 hours) of sick leave.

## ***Misuse of Sick Leave***

At all times, employees are expected to give honest and truthful reasons for absences. "Calling in sick" and using sick leave for reasons other than that which are outlined under these guidelines can result in disciplinary action, up to and including termination of employment.

## **407 Personal Leave of Absence**

Employees who require time off in addition to vacation may request a personal leave of absence without pay for up to a maximum of 30 days. An extension may be approved in limited circumstances. The employee will be responsible to pay their portion of all benefits while out.

All regular employees employed for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request is approved.

Please contact Human Resources for more information on request procedures.

The employee must return to work on the scheduled return date or be considered to have voluntarily resigned from his or her employment. Extensions of leave will only be considered on a case-by-case basis. Any leave over 30 days will result in the employee being offered COBRA at the employee's expense until they return to work.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second

separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

## 408 Catastrophic Leave/Donation Program

The City wants to enable its employees who have exhausted their sick and vacation hours while dealing with illness to have a form of funding. This program is dependent upon employees voluntarily donating some of their vacation and sick hours to a "bank" in case of a catastrophic need. Employees elect to donate their time during open enrollment each year; this is not a rollover election. To participate in the program the employee must be employed for one full year, have sufficient banked time for themselves and must contribute a minimum of 4 vacation or sick leave hours. An employee who wishes to request catastrophic/donated leave will contact the Human Resource Division for the request form.

## 407409 CITIZENSHIP LEAVE

The City encourages all employees to fulfill their civic responsibilities by performing jury duty or witness duty when required. Employees must present a copy of the jury or witness duty summons to their Supervisor as soon as possible to allow adequate time to make accommodations for the absence. Employees are expected to report for work when the court schedule permits.

Full-time employees who have completed 30 calendar days of service may request up to two weeks of paid jury duty leave over any two-year period. ~~Jury duty pay~~The employee's pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. The employee must submit their jury duty pay to the City to offset the full pay received from the City.

If an employee is required to serve jury duty beyond the period of paid jury duty leave, or if the employee is not eligible for paid jury duty leave, then the employee may use vacation leave or may request an unpaid jury duty leave of absence.

The City will continue to provide the employee's benefits for the full term of the jury duty absence.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

The City also encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their Supervisor prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

## **408410 CONTINUATION COVERAGE (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries covered by the City's health insurance program the opportunity to continue that coverage after a "qualifying event" would normally result in the loss of eligibility.

Some ~~common~~-qualifying events are resignation; termination of employment; bankruptcy, death of an employee; a reduction in an employee's hours below the level needed to be eligible for coverage; an employee's divorce or legal separation; ~~and~~ when a dependent child no longer meets eligibility requirements, when an employee is entitled to Medicare, and when an employee fails to pay their portion of the premium or the City stops offering coverage to spouses. -

Employees must notify the office of Human Resources within ~~60~~30 days after the following qualifying events occur: divorce, legal separation, and when a child ceases to be an eligible dependent. If Human Resources is not timely notified of one of these events, COBRA coverage will not be made available.

Under COBRA, the employee or beneficiary ~~generally~~ pays the full cost of coverage at the City's group rates plus an administration fee. The City or its designee provides a written notice describing rights granted under COBRA when the employee (and eligible dependents, if applicable) become(s) eligible for coverage under the City's health insurance program up to the maximum allowed by law of 18 months. The notice contains important information about the employee's rights and obligations. The City or its designee provides a second notice when the City learns that the employee (or the employee's dependents) may be eligible for COBRA continuation coverage.

### ***Special Extended Coverage for Certain Disabled Employees:***

If an employee is enrolled in the City's health insurance program and becomes permanently disabled, the employee may continue to be enrolled in the City's health insurance program for 24 months after the date of disability. The City will be responsible for the cost of the disabled employee's coverage for 24 months. If the employee's dependents were enrolled in the City's health insurance program at the time of disability, the dependents will also receive a COBRA election notice and may continue enrollment for the same 24-month period, but the employee will be responsible for the additional cost to cover any dependents. The employee will be required to sign and return a COBRA election notice to obtain this extended coverage.

### **Second Qualifying Event:**

An 18 month extension may be available to dependents (giving them a total of 36 months maximum of continued coverage if the qualified beneficiaries experience a qualified event.

The second qualifying events are the death of the covered employee, divorce or legal separation of the covered employee and spouse, Medicare entitlement, or loss of a dependent child. The employee or dependent will contact the COBRA administrator to notify them of the qualifying events.

## **409411 BEREAVEMENT LEAVE**

It is the City's intent to allow full-time employees ~~three (3) consecutive days~~24 hours of paid bereavement leave for the death or imminent death of an immediate family member. Employees who work 12-hour shifts will receive 36 hours, and those who work 24-hour shifts will receive 48 hours of paid bereavement leave. For employees who work Monday-Friday, the 3 days would be 3 consecutive week days. For employees whose schedules routinely include weekends, the 3 consecutive days would be any 3 consecutive calendar days. If lengthy travel is involved, the City Administrator may grant travel time in addition to the ~~three days of~~ bereavement leave. Request for such additional time must be submitted to Human Resources for approval by the City Administrator. Department Heads may grant emergency leave of no more than one day for an eligible employee to serve as a pallbearer at or attend a funeral of someone not within the immediate family.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, bonuses, or shift differentials.

For purposes of bereavement leave, the City defines "immediate family" as the employee's spouse, child, parent, or sibling; the employee's spouse's child, parent or sibling; the employee's child's spouse, the employee's grandparents or grandchildren.

The employee's supervisor or Department Director may require any employee taking bereavement leave to document the need for such leave by providing an obituary or other certification.

## **410412 FAMILY AND MEDICAL LEAVE ACT ("FMLA") LEAVE**

### ***Eligibility***

Any employee who:

1. has been employed by the City for 12 or more months,
2. has worked at least 1,250 hours during the most recent 12 months, and
3. works at a location where at least 50 people are employed within a 75 mile radius,

may request a medical or family leave of absence. The 12 months need not have been consecutive. (If the employee was on the payroll for part of the week, the City will count the entire week. The City considers 52 weeks equal to 12 months.)

### ***Reason for Leave***

A medical leave is for an eligible employee who has a serious health condition that renders the employee unable to perform the functions of his/her job.

This includes any work-related illness or disability. A family leave covers an employee who needs leave:

Reason 1: to care for a son, daughter, spouse or parent who has a serious health condition.

- Reason 2: to care for a newborn son or daughter during the first 12 months after birth.
- Reason 3: to care for a son or daughter placed for adoption or foster care, during the first 12 months after placement.
- Reason 4: to care for a son, daughter, spouse, parent or next of kin who is a Covered Service member. A Covered Service member means a person who:
- is a member of the Armed Forces (including the National Guard and Reserves) who is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness – meaning the illness or injury was incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by the service in the line of duty on active duty), and renders the member medically unfit to perform the duties of the member’s office, grade, rank or rating, or
  - is a veteran who was discharged or released under conditions other than dishonorable and was a member of the Armed Forces (including the National Guard and Reserves) during the 5 years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness – meaning the injury or illness was incurred in the line of duty on active duty in the Armed Forces and is “qualifying” as defined by the Secretary of Labor. (See C.F.R. §§825.122 and 825.127(b)(2).)
- Reason 5: because of any “qualifying exigency” arising from the fact the employee’s spouse, son, daughter or parent is on federal active duty in or has been notified of an impending call or order to federal active duty in a foreign country. “Qualifying exigencies: may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The City generally will treat as a serious health condition any illness, injury, impairment or physical or mental condition that involves:

1. an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with the in-patient care.
2. any period of incapacity of more than 3 consecutive, full calendar days that also involves:
  - (a) treatment by a health care provider two or more times within 30 days of the first day of incapacity or
  - (b) treatment at least once by a health care provider which results in a regimen of continuing treatment under the supervision of a health care provider, provided there is an in-person visit to the health care provider within 7 days of the first day of incapacity.
3. any period of incapacity, or treatment for the incapacity, caused by a chronic condition (meaning continuing for an extended time period and requiring treatment by a health care provider at least twice a year).

4. a period of incapacity that is permanent or long-term caused by a condition for which treatment may not be effective, provided there is continuing supervision of the condition by a health care provider.
5. pregnancy or prenatal care.
6. any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive, full calendar days if treatment is not obtained, such as cancer (chemotherapy and radiation), severe arthritis (physical therapy) and kidney disease (dialysis).

Unless complications arise, a serious health condition does not include routine doctor's exams, the common cold, the flu, upset stomach, minor ulcers, the common headache, or routine dental or orthodontia problems. For additional information about what constitutes a serious health condition, serious injury or illness, who is a health care provider, or what constitutes a "qualifying exigency," contact Human Resources.

### ***Requesting a Leave***

An employee must provide the City with sufficient information for the City to determine if a request for leave qualifies for FMLA protection. Consequently, any request for leave should be made in writing on the City's Leave Request form

Contact Human Resources to obtain this form. If leave is requested for a reason for which the City previously provided FMLA-protected leave, the employee's request for leave must specifically reference either the qualifying reason or the need for FMLA leave.

A request for leave must be submitted to Human Resources as far in advance as possible, but no less than 30 calendar days before the requested start date of the leave. There are three exceptions to the 30-day advance request requirement. First, when leave is due to a "qualifying exigency," the request must be made to Human Resources as soon as practicable, regardless of how far in advance such leave is foreseeable. Second, where the leave is not foreseeable 30 days in advance, the request also must be made as soon as practicable. As soon as practicable generally means the same day the employee learns of the need for leave or the next business day.

Third, where the need for leave is not foreseeable, absent unusual circumstances, the employee must provide notice of the need for leave on the first day of the employee's absence. Such notice must be made by calling Human Resources.

**Also absent unusual circumstances, employees must comply with the City's standard policies for any notice of an absence, tardiness or early departure.**

Failure to comply with the foregoing requirements may result in delay or denial of FMLA leave. Work time missed before proper notice is given of the need for leave may be treated as unexcused time off and lead to disciplinary action.

## *Intermittent and Reduced Schedule Leave*

The City will grant a request for leave on an intermittent or reduced schedule basis where leave is due to a serious health condition or a serious injury or illness, and such a leave is certified by a health care provider as “medically necessary.” The City will also grant intermittent or reduced schedule leave due to a “qualifying exigency” when properly requested.

If an employee needs intermittent or reduced schedule leave due to planned medical treatment, the employee must attempt to schedule planned medical treatment so as not unduly to disrupt the City’s operations, subject only to the availability and approval of the health care provider and the department head. ~~–To avoid having to change planned medical treatment, an employee requesting such a leave ordinarily should consult with Human Resources before scheduling treatment.~~

The City reserves the right to temporarily transfer an employee on an intermittent or reduced schedule leave due to planned medical treatment to an available alternative position that better accommodates recurring periods of leave than does the employee’s regular position.

If an employee is on intermittent or reduced schedule leave and the precise period(s) when the employee will need to be off work are not known and scheduled, absent unusual circumstances the employee must report each instance of absence, tardiness or early departure in accordance with the City’s usual procedures for reporting an absence or other missed work time. A Leave Request form should also be completed for each such unscheduled instance of missing work.

## *Certification*

If a leave is due to the employee’s or a family member’s serious health condition, to care for a Covered Service member, or due to a “qualifying exigency,” the employee requesting the leave must provide the City with written Certification verifying the need for the leave and, if applicable, the need for the leave to be intermittent or taken on a reduced schedule basis. The Certification is due within 15 days after the City requests for Certification. The City’s Certification forms, which ordinarily must be used, are available from Human Resources. (An exception to this 15-day requirement will be made if, in the City’s reasonable determination, it is not practicable to get the Certification within 15 days despite the employee’s diligent, good faith efforts. Under such circumstances, the Certification must be submitted as soon as possible.) **It is the employee’s responsibility to timely submit the properly completed Certification form to Human Resources.** If proper Certification is not timely provided, any work time missed may not count as FMLA leave until sufficient Certification is provided, and such missed work time may be treated as unexcused and lead to disciplinary action.

The City reserves the right to contact the health care provider who signed a Certification of a serious health condition in order to authenticate the information or obtain an understanding of what the health care provider has written. If an employee does not authorize the health care provider to provide such clarification and the Certification remains unclear, the City may deny the request for FMLA leave. Also, if the City has reason to doubt any Certification of a serious health condition, it may require a second or third opinion, at its cost.

The City reserves the right to verify meetings and appointments listed on a Certification of a “qualifying exigency.” The City will accept as sufficient, in lieu of the Certification to care for a

Covered Service member, appropriate invitational travel orders (“ITOs”) or invitational travel authorizations (ITAs”). The City reserves the right to seek authentication and clarification of an ITO or ITA.

### ***Amount of Leave***

If properly requested, the City will grant an eligible employee up to 12 weeks of unpaid leave during a 12-month period. However, an eligible employee may take 26 weeks of leave during a single 12-month period to care for a Covered Service member. Any such 26 weeks would also include any other leave(s) taken under this policy for any reason. The number of hours of leave available when leave is taken on an intermittent or reduced scheduled basis is based on the employee’s normal schedule. (Special rules may apply if a husband and wife are both employed by the City. For more information regarding these special rules, contact Human Resources.

The 12-month period during which the 26 weeks of leave to care for a Covered Service member is available begins when such leave is first used and ends 12 months later. For all other leaves, the 12-month period during which up to 12 weeks of leave may be taken is a rolling 12-month period measured backward from the date leave under this policy is used. Any leave granted ceases to be FMLA leave if and when it exceeds 12 weeks (or 26 weeks, if applicable) in the 12-month period described above.

An employee who is eligible for family/medical leave may not use paid time off work for any reason that would qualify for leave under this policy without first so advising Human Resources.

The City will, consistent with the Compensation During Leave section of this policy, count any such other time used against the employee’s FMLA leave entitlement.

In addition, an employee on FMLA leave may not engage in any other work or employment during the leave without first obtaining the written authorization to do so from Human Resources. Such authorization will not unreasonably be withheld. If an employee on leave engages in other work or employment without such advanced written approval, the employee ordinarily will be considered to have voluntarily quit his/her employment with the City.

### ***Compensation During Leave***

An employee must use all accrued ~~vacation-sick~~ time during any otherwise unpaid leave granted under this policy. An employee must also use any accrued ~~sick-vacation~~ time during any otherwise unpaid leave granted for a serious health condition or to care for a Covered Service member. Once the applicable paid time off is exhausted, the remainder of leave is unpaid.

The requirement that accrued paid time off be used during a leave under this policy does not apply to any part of a leave during which an employee is receiving workers’ compensation disability benefit payments or short-term temporary disability plan payments. However, an employee may elect to use accrued ~~vacation-sick~~ and/or ~~sick-vacation~~ time during such leave to supplement the disability payments.

## ***Group Health Plan Coverage During Leave***

During FMLA leave, the City will continue paying any part of the employee's group health plan premium that it was paying the day before the day on which the leave began, subject to the requirements of this policy and the plan. An employee on leave is responsible for his/her usual portion of the premium. If accrued paid time off work is applied simultaneously with time on leave, the employee's portion of the premium will be made through payroll deductions to the extent paid time off is sufficient to cover the employee's portion of the premium. In all other situations, the employee must pay his/her portion of the premium. For information regarding the amount of premium payments and how and when the employee's premium must be made, contact Human Resources. If the employee's portion of the premium is more than 30 calendar days late, coverage may be lost retroactive to the date the unpaid premium was due.

## ***Other Benefits While On Leave***

Subject to the terms of the policy or plan, the City will continue to pay the premiums for an employee who has life, City paid disability insurance and AD&D coverage through the City while on leave. The City reserves the right to recover from the employee the cost of such premiums if the employee does not return from leave.

## ***Recertification and Periodic Updates***

While on leave, ~~an the~~ employee ~~may will~~ be required ~~periodically~~ to report to ~~Human Resources~~ their Department Head weekly concerning his/her status and intent to return to work.

In addition, if an employee is on leave due to his/her own or a family member's serious health condition, every 30 calendar days the employee must also submit to Human Resources a recertification, on the appropriate City Certification form.

However, if, on the most recently submitted Certification form the probable minimum duration of the condition is listed with a specific end date that is longer than 30 days, recertification ordinarily is not due to Human Resources until the earlier of: (a) the end of that specified period, or (b) six months following the start of the leave. Under certain circumstances, more frequent recertification and/or status reports may be required, such as if an employee requests a leave extension or circumstances described in the most recently submitted Certification have changed.

The City reserves the right, in connection with recertification, to provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with that pattern.

Failure to timely submit a status report and/or recertification may result in loss of the leave and/or disciplinary action.

## ***Return to Work***

An employee is expected promptly to return to regular work: (a) if the need for the leave ends before the leave expires, or (b) when the leave expires. An employee must contact Human

Resources at least two work days before expiration of the leave (or, if the need for the leave ends before expiration of the leave, as soon as the need for the leave ends) about when and where to report for work.

An employee returning from continuous leave necessitated by the employee's own serious health condition must provide ~~Human Resources~~their department head with a Fitness for Duty Certification from a health care provider before the City will return the employee to work and it will be forwarded to Human Resources. (If reasonable safety concerns exist, a Fitness for Duty Certification may be required from an employee returning from intermittent leave due to his/her own serious health condition.) The City has a Fitness for Duty form which should be used. An employee who timely and properly returns to work by the end of a leave will be returned to the same job (s) he held when the leave began, or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, the City may refuse to so treat an employee:

- (a) who fails timely to provide a Fitness for Duty Certification when such a report is required, or
- (b) who, at the time the leave is requested, is among the highest paid 10% of all employees employed within 75 miles, if reinstatement would cause substantial and grievous economic injury to the City's operations.

Notwithstanding the foregoing, an employee who has taken leave under this policy has no greater right to reinstatement, or other terms and conditions of employment, than if he/she had been continuously employed during the leave period.

### ***Failure to Return to Work***

If an employee is unable or unwilling to return to his/her regular responsibilities at the expiration of a leave under this policy, he/she will generally be treated as having voluntarily quit employment. However, if the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control, any separation will be treated as involuntary. Failure to report to work at the end of a leave, or timely and properly notify the City of the need for a leave extension, will ordinarily be treated as a job abandonment. The City reserves the right to require medical certification if an employee states he/she is not able to return due to the continuation, recurrence or onset of a serious health condition.

In some situations when an employee fails to return to work at the end of a leave, the City may seek to recover from the employee the premiums it paid for health or other coverage of the employee while the employee was on leave.

### ***Miscellaneous***

For additional information regarding this policy, contact Human Resources. Also, please refer to the FMLA Rights and Responsibilities posted in your department.

## **411413**      **MILITARY LEAVE**

The City will comply with all applicable state and federal laws concerning military leave including the federal law known as the Uniformed Services Employment and Re-employment Rights Act (“USERRA”). USERRA requires the City to provide certain benefits to most employees who take military leave, that is, a leave from their work at the City to perform “service in the Uniformed Services.” USERRA defines the “Uniformed Services” as:

The United States Army, Navy, Air Force, Marines, and Coast Guard.

- The Army National Guard and Air National Guard, if the individual is engaged in active duty for training, inactive duty training, or full-time National Guard duty.
- The commissioned corps of the Public Health Service.
- Any other category of persons designated by the President in time of war or national emergency.

USERRA defines “service in the Uniformed Service” as including both voluntary and involuntary service, and as including the performance of some funeral honors duties.

USERRA includes exceptions and qualifications to these definitions (for example, benefits terminate if the individual is dishonorably discharged).

In order to be entitled to re-employment rights under USERRA, an employee must provide **advance written or verbal notice to the ~~Office of the City Clerk~~ Human Resource Division** that the employee will be taking leave for the purpose of service in the Uniformed Services. This notice is required unless giving the notice is precluded by military necessity, or unless, under the specific circumstances, giving the notice is impossible or unreasonable.

Non-temporary employees are entitled to paid military leave as follows:

- If the employee takes military leave to participate in annual training, active duty training, or active duty, the City will pay for up to 15 days of such leave per calendar year.
- If the employee takes military leave for service in an emergency situation (as defined by state law), the City will pay for up to 30 days of such leave per calendar year.

Military leave pay is calculated based on the employee’s base pay rate at the time of the leave, and will not include any special forms of compensation, such as incentives, commission, bonuses, or shift differential.

In addition, an employee on unpaid military leave may use accrued vacation time in order to receive pay while on leave.

Employees who wish to exercise their right to re-employment under USERRA must apply to the City for reinstatement within the following time frames:

**Period of Service**

30 days or less

**Submit application**

During the regularly scheduled work period that begins at least 8 hours after arriving home.

31 – 180 days

Within 14 days after completing service. If it is impossible or unreasonable to comply within this time period, the application must be submitted the calendar day after it is possible to do so.

181 days or more

Within 90 days after completing service.

**Further Information.** The specific provisions of USERRA are too detailed for this manual. For additional information about USERRA, please contact the ~~Office of the City Clerk~~Human Resource Division.

**412414 SHORT-TERM DISABILITY**

A full-time employee is eligible for City paid short-term disability leave if the employee provides a statement of disability from a qualified physician and has exhausted all of his or her accrued sick leave (the employee is not required to exhaust vacation leave). Short-term disability leave may last for up to 90 days in a calendar year. Short-term disability leave will be paid at the employee's regular rate of pay, up to a maximum of \$100 per pay period. An employee may elect to use accrued vacation time (in addition to the \$100) to receive a full week's pay. Contact Human Resources to apply for the City paid short-term disability. Also refer to the Family and Medical Leave Act Leave policy, if applicable.

Full-time employees are eligible for the City's voluntary short term disability program the first of the month following 30 days of service. If elected by the employee the plan will pay a percentage of the employee's base salary.

**413415 LONG-TERM DISABILITY**

For disability leave exceeding 90 days, the City sponsors a long-term disability plan, which is governed by a separate document. Full-time employees are eligible to participate in this plan, and to apply for long-term disability benefits according to the terms of this plan. Contact Human Resources for additional information.

**414416 WORKERS' COMPENSATION INSURANCE**

The City provides workers' compensation insurance coverage for all employees at no cost to employees. This program covers injuries or illnesses sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains any work-related injury or illnesses is required to inform their Supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for any injury or illness that occurs during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Any and all payments shall be made pursuant to state law.

#### **415417 LIFE/ACCIDENTAL DEATH & DISMEMBERMENT ("AD&D")**

The City provides life/AD&D coverage for full-time employees. The City pays the entire cost of this coverage. After the introductory period, full-time employees are automatically enrolled in this coverage. Under the current policy, the death benefit is \$10,000, plus an additional 150% of the employee's [annual](#) salary. For additional information regarding eligibility and benefits, refer to the Certificate of Coverage available from Human Resources.

The City also offers a voluntary life and accidental death and dismemberment policy for the employee and their dependents. Full-time employees are eligible for this plan on the first of the month following 30 days of service. Rates are dependent upon age and amount of coverage elected.

#### **416418 LONGEVITY PAY**

After 2 years of full-time employment, the City provides each full-time employee with longevity pay. Longevity pay is a benefit in addition to the employee's other forms of pay and increases with each year of service thereafter. Longevity pay is in addition to, and does not increase the employee's base rate of pay.

#### **417419 LOPFI**

Uniformed Employees may be eligible for retirement benefits under the Arkansas Local Police & Fire Retirement System (LOPFI) plan. Refer to plan for more information about eligibility and benefits.

#### **418420 CITY VEHICLE**

The City provides a vehicle to the City Administrator. The City Administrator, and his or her family, are permitted to use the vehicle 24 hours per day.

# **SECTION 5**

## **PAYROLL AND TIMEKEEPING**

## 501 TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they:

- Begin and end their work including any split shift.
- Begin and end any meal period.
- Begin and end any departure from work for personal reasons.
- Work overtime.

Overtime work by a non-exempt employee must always be approved by the Supervisor before it is performed. Unless overtime has been approved, or additional straight time work has been approved by the Supervisor in a workweek in which paid time off is used, a non-exempt employee's total hours for the week (including use of paid time off, such as sick, vacation and comp hours as well as hours worked) should total the standard number of hours in the employee's regular schedule (reg. 40 hours for employees who are not fire, police, dispatchers ~~or/~~ **Community Service Officers/jailers**). Exception: Major storms, power outages, water/wastewater problems, etc. may require overtime for some who have already taken vacation or sick leave in that workweek who are not already on call.

Altering, falsifying, tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without express, prior authorization from their Supervisor.

~~At the time when electronic entry becomes available time~~ Time records shall be entered **electronically** by each employee, approved by designated supervisor, and forwarded to payroll. Employees may view pay stubs electronically.

If any correction or modification is made to a time record, both the employee and the Supervisor must verify the accuracy of the change by initialing the time record.

## 502 PAYDAYS

All employees are paid weekly every Friday by mandatory direct deposit. Each paycheck will include earnings for all work performed through the end of the previous payroll period (12:01 a.m. Monday through midnight the following Sunday). In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

**Effective May 1, 2016 all employees will be paid every other Friday by mandatory direct deposit. Each paycheck will include earnings for all work performed through the end of the previous payroll**

periods (12:01) a.m. (Monday through midnight the following Sunday). In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

### **503 SEVERANCE PAY**

The City Administrator, with notification to the Board of Directors, determines any severance benefit for employees whose termination is unrelated to performance. Temporary employees are excluded from severance pay benefits.

### **504 PAY ADVANCES**

The City does not provide pay advances.

### **505 PAY DEDUCTIONS**

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local taxes.

Pay deductions may be made if by court order, i.e. garnishments, child support, etc., to repay a debt or obligation to the City or others.

If you have questions concerning why deductions were made from your check or how they are calculated, your Supervisor can assist in having your questions answered.

#### ***For Exempt Employee Pay***

Exempt employees normally must receive their full salary for any workweek in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the City.

Therefore, during a workweek in which an exempt employee performs some work, deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by the City of Siloam Springs regardless of the circumstances. Managers or Supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures.

- 2.1.a1)** Jury duty
- 2.1.b2)** Attendance as a witness
- 2.1.e3)** Temporary military leave
- 2.1.d4)** Absences caused by the employer
- 2.1.e5)** Absences caused by the operating requirements of the business.
- 2.1.f6)** Partial day -of absence other than those specifically discussed below.

The few exceptions to the requirements to pay exempt employees on a salary basis are listed below. In these cases, deductions may be permissible as long as they are consistent with other City policies and practices.

- a) Absences of one or more full days for personal reasons other than sickness or disability (partial days must be paid).
- b) Absences of one or more full days due to sickness or disability if the employee is eligible for but has exhausted accrued sick leave.
- c) To offset any payment for jury duty or a witness fee.
- d) Penalties imposed in good faith for violating safety rules of “major significance” (i.e., rules relating to the prevention of serious danger in the workplace or to other employees).
- e) Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules applicable to all employees.
- f) Proportionate part of an employee’s full salary may be paid for time actually worked in the first and last weeks of employment.
- g) Unpaid leave taken pursuant to the Family and Medical Leave Act.

## **506 PAY CORRECTIONS**

The City takes all reasonable steps to ensure that employees receive the correct amount of pay and that employees are paid promptly on the scheduled payday. The City prohibits any improper pay deductions from an employee’s check whether the employee is exempt or non-exempt.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of his/her Department Head so that the matter can be investigated promptly and a correction can be made as quickly as possible, as appropriate. If the employee needs further assistance, he/she should contact the Payroll Department directly. Any improper deductions or other discrepancies will be reimbursed or corrected, at the latest, by the next regular payroll. In the event of any improper deduction, the City will make a good faith commitment to comply in the future.

The City prohibits retaliation against any employee for raising a complaint under this policy, or for providing information in connection with any complaint hereunder.

## **507 STANDBY PAY/ON CALL TIME**

The City Administrator will designate a set amount (i.e. \$15.00/day) for on-call time. A minimum of 2 hours will be paid for call-in time.

# **SECTION 6**

## **WORK CONDITIONS AND HOURS**

## **601 SAFETY**

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, and other written communications.

Employees and Supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are required to raise them with their Supervisor, or with another Supervisor or Manager, or bring them to the attention of their Department Head immediately. Reports and concerns about workplace safety issues may be made anonymously to the office of Human Resources if the employee wishes. All reports can be made without fear of reprisal.

Each employee is required to obey safety rules and to exercise caution and good judgment in all work activities. Employees must immediately report any unsafe condition to the appropriate Supervisor. Employees who violate any safety standard, who cause any hazardous or dangerous situation, or who fail to report or, where appropriate, remedy any such situation, may be subject to disciplinary action, up to and including termination of employment.

In the case of any accident that results in injury, regardless of how insignificant the injury may appear, employees are required to immediately notify their Supervisor or Department Head.

## **602 CITY PROVIDED CELL PHONES**

Cell phones are issued to facilitate the employee's ability to stay in contact with their employer and customers and should be used primarily for this purpose. Occasional personal use is permitted and need not be documented per IRS rules. City-issued cell phones may not be used primarily for personal calls, and may never be used for any improper, immoral or illegal purpose, including calling fee services such as "1-900" numbers. Any abuse of this privilege may lead to disciplinary action, up to and including termination. The City reserves the right to monitor the use of any City provided phone, including cell phones, for compliance with this policy. Consequently, employees should have no expectation of privacy with respect to any use of provided phones, and information transmitted over City cell phones should not be regarded as confidential or secure.

## **603 COMPUTER USER AND USE OF ELECTRONIC MEDIA AND ELECTRONIC EQUIPMENT**

The general standards of ethics and conduct expected of a City employee also apply to the use of City computer and other electronic resources. Such resources are available to employees to assist in achieving organizational goals. Users are expected to cooperate with each other to promote the most effective use of these resources, and users will be held accountable for their

actions involving computers and other electronic resources (such as voice mail, faxes, cell phones, etc.), as they would be in other situations.

The City is the owner of all e-mail addresses in its registered domains. Also, all electronic communication systems, and all communications and stored information transmitted, received or contained in the City's telephone, fax and computer systems, are the property of the City. As such, they are to be used for job-related purposes. The use of such equipment, software or information for personal purposes is strongly discouraged. However, the City recognizes that occasional, brief personal use of this equipment or software may occur. Such use will be tolerated as long as it is infrequent, on an employee's personal time, does not interfere with the employee's work or that of others, involves only equipment the employee is authorized to use, and conforms with this and other City policies. Employees using City equipment or software for personal purposes do so at their own risk.

To ensure that the use of e-mail, computers, telephones and other electronic communications systems is consistent with the City's legitimate business interests, authorized representatives of the City may monitor the use of such equipment and software from time to time and maintain recordings of such use. This may include overriding passwords, intercepting, accessing, reviewing, copying and/or disclosing information on any computer or server and messages sent over voice mail and e-mail. **Therefore, all employees must understand that there should be no expectation of privacy with respect to the use of computers, telephones, mobile computing devices (DPAS), and the like (including e-mail or voice mail), even if used to access personal e-mail accounts.** Also, password protection or a "personal" computer does not mean that a user's messages, memos, documents, e-mails, files, etc. are exempt from the Arkansas Freedom of Information Act or otherwise private.

**General Computer Use.** No employee may use any computer or device or access any information unless use of the computer/device and access to the information is part of the employee's regular responsibilities.

Employees must respect the confidentiality of other individual's electronic communications. Except in cases in which explicit authorization has been granted by City management, employees are prohibited from engaging in, or attempting to engage in:

- Monitoring or intercepting the files or electronic communications of other employees or third parties;
- Hacking or obtaining access to systems or accounts they are not authorized to use;
- Using other people's log-ins or passwords; and
- Breaching, testing, or monitoring computer or network security measures.

Employees are not authorized to allow other persons or organizations to use City computer accounts or network resources. Employees are responsible for use of their accounts and equipment and should take all reasonable precautions, including password maintenance and file protection measures, to prevent use of their accounts by unauthorized persons.

No employee may copy or otherwise retain any computer information after employment has ended, or retain such information off the City's premises during employment unless with appropriate advance authorization or because required by the employee's responsibilities.

All computers must be kept both software legal (meaning the appropriate license for use has been obtained) and virus free. As a result, no employee may copy any software from or load any software onto any City computer without proper authorization from the Information System Administrator. Employees should contact the Information Systems Administrator if they have any questions. Download sources can include any hardware or software sources such as CD or USB storage, network drives, internet, or any other network accessible download site. Authorized software includes that purchased by the City or software used to open certain common files such as Adobe Reader, Flash, etc., and may require operational, security, or other types of updates. Users should use care when performing updates and should contact Information Systems if assistance is needed.

The City may employ policies, standards and procedures and technical means to limit the amount of unsolicited or bulk e-mail processed by the City. The City will make reasonable efforts to ensure that legitimate e-mail messages are not refused.

An employee should never write down and keep his/her user ID or password within the general area of the computer.

Prior to separation of employment, employees may remove any of their purely personal information or files from their computer. Employees or former employees are prohibited from removing, deleting, or blocking access to files, data or other information that is work-product of their employment. In the event of improper removal, deletion, destruction or unauthorized encryption of City data, the employee or former employee shall be liable for the cost of recovery or reconstruction of lost information.

**Acceptable Voice Mail and Computer Use.** Employees who access voice mail and/or computers should:

1. Carefully review each e-mail prior to sending it to ensure that the meaning is clear and not subject to interpretation. E-mail and voice-mail messages should be composed in a professional manner. Comments that would be inappropriate in memorandums and letters are equally inappropriate in e-mails and voice-mail.
2. Never attempt to hide the identity of the sender or represent the sender as someone else.
3. Never visit an Internet site that contains sexually explicit, hateful or other material which is likely to annoy, harass, or intimidate another person, or send or receive any such material.
4. Exercise extreme caution in opening any e-mail attachment. If the attachment is not clearly business related and/or expected from a known source, it should not be opened.
5. Be mindful that Internet sites they visit collect information about visitors. This information will link the employee to the City. Therefore, employees may not visit any site that might in any way cause damage to the image or reputation of the City.
6. Never use any City computer for personal gain or profit, or any illegal purpose.

7. Be mindful that messages originating from the City could be construed as stating the City's position, policy or viewpoint.
8. Never make or post remarks, proposals or materials that may be construed as obscene, indecent or offensive, or other material that is likely to be embarrassing to you or another if generally disclosed.
9. Never upload, download, or otherwise transmit copyrighted software or other copyrighted material belonging to the City or another party, unless properly authorized to do so. City resources shall not be used for downloading, storing or distributing pirated software, music or images. All employees should be sensitive to this concern and, if there is any doubt as to whether something may properly be uploaded, downloaded or copied, first check with the Information System Administrator.
10. Never intentionally interfere with the normal operation of the network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network. Also, users should routinely remove unnecessary files, e-mails and documents in order to preserve system resources.
11. Never incur any fee or cost in connection with Internet activity unless work related and approved in advance by the Supervisor.

## ***Encryption***

Employees can use encryption software supplied to them by the Information Systems Administrator for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the files.

## **Approved Data Storage**

Only devices approved by the Information Technology Manager may be used on City computers for data storage. This includes, but is not limited to, USB storage devices, cell phones, and external optical drives. All USB ports on City computers are monitored and unapproved devices are disabled. Any requests for exceptions will be reviewed by the Information Technology Manager.

## **Physical Computer Security**

All City computer users must use proper methods of security to ensure their workstations are properly secured when they are away from their workspace.

Steps to follow include:

1. Turning computer off; or
2. Locking Windows workstations by pressing Window-L on the keyboard or Ctrl-Alt-Del, selecting Lock Workstation; or;
3. Lock any doors to prevent access to the workspace.

### ***Miscellaneous.***

Each employee is expected to exercise discretion, good judgment and professionalism in transmitting information, opinions, and other materials over internal and Internet e-mail and voice mail.

All employees must recognize that internal and Internet e-mail communications, and any information created or stored on a computer, may be more permanent and less protected/confidential than paper communications. Even if information is deleted, it may still be available on the server or backup tapes. Confidentiality is the responsibility of each employee.

Any employee who is aware of a violation of this policy is expected to report the violation to his or her Department Head. Any violation of this policy may result in corrective action, up to and including termination. Also an employee will be required personally to pay any improperly incurred Internet fee and/or cost.

The City reserves the right to report any illegal activity to the appropriate authorities. The City will not be responsible for any damages, direct or indirect, arising out of the use of its electronic communications systems, including Internet access

## **604 WORK SCHEDULES/ATTENDANCE AND PUNCTUALITY**

The official workweek begins at 12:01 a.m. Monday morning and runs through midnight the following Sunday. The official workday begins at 12:01 a.m. and runs through midnight of the same day.

Not all City employees observe the same workday, but all are expected to work regularly and devote their efforts to City business during working hours. All employees are expected to report to work promptly and remain on the job until the end of their shift, with the Department Head outlining the normal workday for the department. Any employee who is unable to report to work as scheduled shall notify his/her immediate Supervisor of the reason for and expected duration of the tardiness or absence. This must be done as soon as possible in advance of the scheduled starting time, and in no event later than two hours after scheduled starting time. If for some reason an employee is unable to call himself/herself, have a spouse, family member, or friend to make the call. This procedure must be followed each day an employee is unable to report to work as scheduled (unless on a properly approved leave of absence for which the exact dates of the leave have been scheduled). Also, if it becomes necessary for an employee to leave work before their scheduled stopping time, permission from the Department Head or Supervisor is required.

Failure to timely and properly give notice, or repeated tardiness, absence or leaving early, may result in corrective action up to and including termination.

The City normally allows an unpaid meal period for employees working a full day. The meal period will be designated by Departmental Supervisors.

## RECOMMENDED HOURS OF WORK

| <b>DEPARTMENT</b>     | <b>BEGIN</b>                         | <b>END</b>          | <b>MEAL</b> |
|-----------------------|--------------------------------------|---------------------|-------------|
| Administration        | 8:00                                 | 5:00                | Hour        |
| Animal Services       | 8:00                                 | 5:00                | Hour        |
| Airport               | 8:00                                 | 5:00 (on call 24/7) |             |
| Cemetery              | 8:00                                 | 5:00                | Hour        |
| Community Development | 8:00                                 | 5:00                | Hour        |
| Electric              | 8:00                                 | 5:00                | Hour        |
| Fire                  | Shifts designated by Department Head |                     |             |
| Library               | Hours posted at the Library          |                     |             |
| Maintenance           | 8:00                                 | 4:30                | ½ Hour      |
| District Court        | 8:00                                 | 5:00                | Hour        |
| Parks and Recreation  | 8:00                                 | 5:00                | Hour        |
| Police                | Shifts designated by Department Head |                     |             |
| Sanitation            | 7:00                                 | 3:30                | ½ Hour      |
| Street                | 8:00                                 | 4:30                | ½ Hour      |
| Water                 | 8:00                                 | 4:30                | ½ Hour      |
| Wastewater            | 8:00                                 | 4:30                | ½ Hour      |

*Remember, these are just recommended hours of work and may be changed by Department Heads, with approval of the City Administrator, to better fit their department needs or to better serve the public.*

Emergency response employees are required as part of their normal employment to assume stand-by (or on call) duty on an equally burdensome basis. Those employees may be required by their Department Head to make themselves readily available during off duty hours on a rotational basis for purpose of call-out to fire scenes, accident locations and emergencies of the like. A radio pager shall be provided to these employees to allow for mobility during these periods of **off-duty standby time**.

### 605 SMOKING

In keeping with the City's intent to provide a safe and healthful work environment, smoking indoor in the workplace and in City vehicles is prohibited. This policy applies equally to all employees, customers, and visitors.

### 606 MEAL PERIODS

All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Non-exempt employees will be relieved of all responsibilities during meal periods and will not be compensated for that time. Exception: Some emergency service departments may not be able to leave their posts during meal times and will be compensated accordingly.

## 607 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work beyond their regular schedule. When possible, advance notification of these mandatory assignments will be provided. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Each full-time employee is required and expected to work a forty (40) hour week (fifty three (53) hours for designated fire department personnel). Non-exempt employees will be paid overtime pay for any time worked over 40 hours in one workweek. Overtime pay is at 1 ½ times the regular hourly rate of pay (time and one-half). Exception: The City has the option of paying overtime pay or of giving “comp time” off.

Accepting employment with the City means the employee consents to the policy. Compensatory time accrues at a rate of 1½ hours for each hour worked over and above the ordinary number of hours in an employee’s regular ~~pay period~~work week. ~~Beginning January 1, 2014, the~~The maximum amount of compensatory time off that can be accrued by any employee is the ordinary number of hours for which the employee is scheduled in one workweek.

~~Total accrued may not exceed these caps, but should be reduced to the 2014 cap levels by the end of 2013.~~—All compensatory time accrued and taken must be reported ~~on weekly timesheets and reported~~ to the payroll office for processing.

Prior to working overtime, a non-exempt employee must receive approval from his or her Supervisor. A non-exempt employee who works overtime that has not been approved in advance by the Supervisor is subject to disciplinary action, up to and including termination.

## 608 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines established by each department. The use of cellular phones while operating a city vehicle is prohibited, except by police officers and fire personnel in the course of their duty and other city employees in the event of an emergency.

Employees driving City vehicles and using them for personal transport of family members must provide a copy of their personal vehicle insurance policy to the ~~City Clerk~~Human Resource Division showing coverage for that person on their own insurance.

This copy must be kept current as long as the City vehicle is used for personal transportation in this manner. Anyone driving on City business or driving a City vehicle must wear his/her seat belt as well as anyone in the vehicle with the employee. ~~Also, no texting is permitted while driving.~~

Employees are required to notify their Supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or

others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or any vehicle, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

## **609 EMERGENCY CLOSINGS**

At times, emergencies such as severe weather, fire, power failure, or earthquake can disrupt City operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs notification of the closing will be broadcast on the City's ~~Blackboard-Connect~~ emergency notification system and the web page.

The City Administrator or his designee will ~~attempt to notify the department directors and they in turn will notify their direct reports who will continue to notify until every employee has been notified. Employees are responsible to inform their department head and payroll of any changes to their contact information. to provide notification to as many areas as possible.~~

Employees in essential operations may be asked to work on a day when operations are officially closed; however, the obligation to provide services to the citizens of Siloam Springs must be balanced with the risk of danger to municipal employees. In the event of early morning severe adverse weather conditions, the City Administrator will determine whether the current *Adverse Weather Policy* should be placed into effect and announce its implementation accordingly. Copies of the current *Adverse Weather Policy* ~~can be obtained from an employee's Department Head).~~

## **610 BUSINESS AND TRAVEL EXPENSES**

Consistent with any specific departmental policy, the City will reimburse employees for reasonable authorized business travel expenses incurred while on assignments away from the normal work location. All department business travel must be approved in advance by the Department Head.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate Supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

Cash advances to cover reasonable anticipated expenses may be made to employees after travel has been approved. Employees should submit a written request to their Supervisor when travel advances are needed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business

objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees must submit completed travel expense reports within seven calendar days of returning from travel. Reports should be accompanied by receipts for all individual expenses.

Employees should contact their Supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business and travel expense policy, including falsifying any expense report to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **611 RECYCLING**

The City supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the Earth's environment.

Special recycling receptacles have been set up to promote the separation and collection of the recyclable materials at the City. The following list is an example of recyclable materials:

- Computer paper
- White high grade or bond paper
- Ledger paper
- Newspaper
- Aluminum
- Iron
- Steel
- Tin
- Transformers
- Wire
- Glass
- Plastics
- Motor oil

The simple act of placing a piece of paper, can, or bottle in a recycling container is the first step in reducing the demand on the Earth's limited resources. Success of this program depends on active participation by all of us. Employees are encouraged to make a commitment to recycle and be a part of this solution.

The City encourages reducing and, when possible, eliminating the use of disposable products.

Source reduction decreases the consumption of valuable resources through such workplace practices as:

- E-mail or posting memos for all employees
- Two-sided photocopying
- Computerized business forms
- Routing slips for reports
- Minimum packaging
- Eliminating fax cover sheets
- Reusing paperclips, folders, and binders
- Reusing packaging material
- Turning off lights when not in use

Whenever possible, employees with authority to make purchases are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases the markets for recyclable materials. By recycling, the City is helping to solve trash disposal and control problems facing all of us today. If you have any questions or new ideas and suggestions for the recycling program, contact the Solid Waste Department.

# **SECTION 7**

## **EMPLOYEE CONDUCT AND DISCIPLINARY ACTION**

## 701 EMPLOYEE CONDUCT AND WORK RULES

Each employee is expected to maintain a high standard of personal conduct and job performance, and to conduct himself/herself in an honest, responsible and polite manner. Where conduct/performance does not meet the City's expectations, the City may generally try to provide the employee with a reasonable opportunity to correct the problem(s). The City, however, reserves the right to implement what it determines to be the appropriate disciplinary action without advance warning or an opportunity to improve. The action taken generally will depend upon such factors as the employee's job, nature and severity of the problem and past performance.

The guidelines set forth below are intended to avoid confusion and misunderstandings about what is and is not satisfactory conduct. Of course, no list of guidelines can exhaustively cover every circumstance in which the City may impose disciplinary action. Accordingly, the following list merely illustrates the kind of unacceptable conduct which may result in disciplinary action up to and including termination of employment.

1. Dishonesty including, but not limited to, such conduct as falsifying any personnel, payroll or other record; actual or attempted unauthorized possession of property belonging to the City, another employee or any other person/entity, or actual or attempted destruction or abuse of such property.
2. Failure to follow instructions or other insubordination.
3. Commission of any unlawful act while at work or away from work which affects the employee's relationship to his/her job or fellow employees or reflects poorly on the City's image or reputation in the community.
4. Fighting or provoking a fight or threatening, intimidating or coercing others while at work.
5. Inattention to duties, wasting time, carelessness, disrupting work, horseplay, sleeping or appearing to sleep on the job, poor judgment, or any other unsatisfactory job performance.
6. Using abusive, profane, threatening, discourteous, demeaning or disrespectful language at work or towards another employee or any other person.
7. Repeated absence, tardiness or early departure, or abuse of any time off work or leave of absence policy.
8. Unauthorized use or disclosure of confidential information.
9. Reporting to work or working under the actual or apparent influence of alcohol, and illegal drug or any un-prescribed prescription drug, or possession of any such substance at work or while working.
10. Any unsafe work practice or failure to report immediately any injury or accident which happens during work time or is work related.
11. Possession of any dangerous or unauthorized material or weapon on the City's premises or while working.

12. Violation of any City policy or standard practice.

## **702 DRUG AND ALCOHOL POLICY AND PROCEDURES**

### ***PURPOSE***

It is the policy of the City of Siloam Springs to maintain a work environment free from the use, possession and effect of alcoholic beverages and drugs. The City recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making and reduced productivity. The most effective means of avoiding potential problems is through a comprehensive policy directed against drug and alcohol abuse by employees. Therefore, the City expects all employees to be unimpaired by drugs or alcohol during work hours. The primary objective of the policy is to provide the highest level of service to the public. Therefore, all employees may be subject to drug and alcohol testing as stated in this policy.

### ***PROHIBITED/REQUIRED CONDUCT***

1. While on duty, stand-by, on City premises, or while conducting business related activities off City premises, no employee or applicant may use, possess, distribute, sell, or be under the influence of alcohol or any illegal drug or un-prescribed prescription drug.
2. No applicant or employee may refuse or fail to cooperate fully in any drug and/or alcohol testing conducted or required under this policy. A refusal or failure to fully cooperate includes, but is not limited to, such conduct as failure timely or properly to report as directed for testing, refusal to accept transportation arranged by or through the City to the testing facility, refusal to submit to any drug and/or alcohol test, failure to sign any required acknowledgment, consent, release and/or testing custody and control form, failure to follow the directions of any testing facility personnel, and any conduct that obstructs or delays the testing process.
3. An employee must notify his/her Department Head, in writing, of any conviction under any criminal drug statute no later than five (5) days after such conviction.
4. Proper Use of Medication – An employee taking any medication which, according to the employee's doctor, could cause impairment or interfere with the employee's ability safely to perform his/her job; or the employee has reason to believe may present a safety risk to himself/herself or others while working or at work, must promptly report the use of the medication to his/her Department Head. The City reserves the right to have a physician of its choice determine whether an employee can safely perform his/her job while using or being under the influence of any properly used therapeutic drug. In appropriate cases, the City may require the employee to be temporarily transferred to another job or to be temporarily off work.

As used in this policy, the term "City's premises" means any property, facility, land, structure, parking lot and vehicle owned, leased, used by or under the control of the City, any location at which an employee is performing work, and any vehicle while used for City's business.

Violation of any of the prohibitions or requirements listed above or any other requirement of this policy constitutes misconduct and will subject the employee to disciplinary action, up to and including termination. Any applicant who violates any of these prohibitions or requirements will be disqualified from consideration for employment.

### ***POLICY – PHYSICAL FITNESS AND EXAMINATIONS***

1. Every applicant for employment within the City of Siloam Springs may be required to present proof that he or she is physically fit to perform the duties of the job, which the applicant seeks. All newly and rehired employees shall be required to take a blood or urine test for the presence of illegal or un-prescribed prescription drugs as they are hired. Any applicant with a confirmed positive test result will be denied employment. The City will not discriminate against applicants for employment because of a past history of drug abuse. Therefore, individuals who have failed a pre-employment test may initiate another inquiry with the City after a period of no less than six months, but must present themselves drug-free.
2. The City may also require an employee to take a physical examination that shall include a blood/urine test or breath test for the presence of illegal drugs or alcohol, at any time the City Administrator, Department Head or supervisory employee reasonably believes that the employee is not physically or medically fit to perform his/her duties and/or have a reasonable or founded suspicion that said employee is using or has used illegal drugs, has abused prescription medications (their own or others) or is abusing alcohol. A reasonable or founded suspicion is a suspension that is based on fact derived from the surrounding circumstances from which it is reasonable to infer that further investigation is warranted. Reasonable suspicion may be based on such considerations as employee's work performance, absenteeism, appearance, speech or behavior.
3. The City will pay the cost of physical examinations and/or test required by this policy. The examination will be performed by personnel authorized by the City. Employees who take a physical examination or blood/urine test in accordance with this policy shall be required to sign an authorization releasing the records of such examinations and tests to the City. The City shall maintain the confidentiality of such employee medical records to the extent required by law.

### ***THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991***

It is the City of Siloam Springs 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 who 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 Siloam Springs will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Siloam Springs the City's written substance abuse policy. CDL drivers are required to read this material and sign an acknowledgment of receipt.

## ***POST ACCIDENT TESTING***

As soon as practical following an accident involving a City motor vehicle, and any other accident as determined by the City Administrator, the City shall test for alcohol and controlled substances for each driver and employee shall not drive a City-owned vehicle or equipment until a negative drug screen has been received by HR.

The alcohol test must be administered as soon as possible, but no later than two (2) hours following the accident if at all possible. Employees should immediately call their Supervisor for instructions. If an employee cannot reach his/her Supervisor, the employee should immediately call the Human Resource Division office of the HR Manager for testing during normal business hours or arrange to be taken to the drug testing facility if after hours. After hours post-accident drug testing kits are available in each department and should be taken with the employee to the hospital for testing.

The drug test must be administered within 32 hours following the accident. Employee should immediately call their Supervisor for instructions. If an employee cannot reach his/her Supervisor, the employee should immediately call the office of the HR Manager during normal business hours or arrange to be taken to the drug testing facility if after hours.

If testing under this policy is required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to conduct testing.

However, the employee must promptly, upon request from the City, provide the necessary authorization for the City to obtain the hospital report and any other document(s) which could indicate whether the employee was under the influence of any drug or alcohol at the time the requirement of testing arose.

The City of Siloam Springs will provide all employees with the necessary information and procedures for post-accident testing. However, the employee has the ultimate responsibility to ensure that his/her specimen is timely collected, forwarded and processed in a timely manner pursuant to this policy. A positive test or refusal to fully cooperate in testing may result in immediate termination.

Testing shall not be required in the event of vehicular contact deliberately initiated by the Police, or if the City vehicle or equipment was stationary at the time it was impacted by another vehicle. However, testing may occur if requested by a supervisor, the city administrator, or the driver/employee.

## ***PROCEDURE-BLOOD/URINE/BREATH TEST FOR THE PRESENCE OF ALCOHOL AND DRUGS***

1. In testing for the presence of alcohol, the City shall utilize a generally excepted breath or blood test procedure, which produces quantitative results showing the amount of alcohol in the blood. When such tests are performed, the threshold level for determination of an employee being under the influence of alcohol shall be .04 or more percent by weight of alcohol in the blood sample tested.

2. In testing for the presence of drugs, the City shall in the first instance utilize an immunochemical assay or radioimmunoassay test on the employee's urine. If the test is positive for drug, the same urine specimen shall be subjected to a further confirmatory test using the gas chromatography, thin layer chromatography or gas chromatography/mass spectrometry method for verification.
3. If a confirmation drug test is positive, the results will be submitted to a Medical Review Officer (MRO). The MRO may discuss the results with the employee before reporting the results to the City, unless, after making reasonable effort to reach the employee, the MRO is unable to do so. Under such circumstances, the MRO may notify a designated person at the City, who shall instruct the employee to contact the MRO. Failure of an employee to contact and provide information to the MRO within one work day of being instructed by the City to do so shall result in termination of the employee. The MRO generally will not disclose to the City any medical information provided by an employee to the MRO unless the MRO is required by law to do so or, in the MRO's medical judgment, the information indicates that the employee's performance of responsibilities could pose a significant safety risk.
4. For all employees, if both the initial and confirmatory drug tests are positive and/or the alcohol test is positive, the employee shall be so notified by the City as soon as practical after the test results are known. In order to timely provide such notification the employee shall be required to leave a telephone number where that employee can be contacted by the Department Head, or designated supervisory employee. At the time such contact is made with the employee, the employee must decide whether or not he/she wishes a second test of the specimen provided at the initial collection to be further tested by the City. If an employee so requests, and there is a sufficient remaining specimen, then another test will be performed on the specimen using qualified personnel different from that used by the City for the initial test. This means the personnel will be different but the testing facility and the organization testing the specimen may remain the same. If the City is unable to contact the employee at the telephone number given by the employee, or the employee does not request further testing, or the employee does request further testing and the results are positive, corrective action should be taken as specified herein.

### ***CORRECTIVE ACTION***

1. Report of a positive test result constitutes under the influence of the substance(s) for which the test is positive. An employee whose test result is reported as positive will be subject to corrective action, including immediate termination. A report that a sample was adulterated will be treated the same as a positive test result.
2. Any employee who is found to have engaged in off-duty alcohol abuse, which adversely affects the employee's ability to perform job duties, may be placed on a leave of absence without pay for a period of up to sixty (60) days. The leave of absence may be extended for good cause by the City Administrator up to an additional fifteen (15) days. (Longer leave may be available under the Family Medical Leave Act leave policy.) The employee may use any accumulated sick leave or vacation during the leave of absence. The purpose of the leave of absence is to provide the employee with an opportunity rehabilitation. The City may assist the employee in locating an appropriate program of rehabilitation.

3. Subject to other policies governing leaves of absence, upon the successful completion of the rehabilitation program, as certified by a physician designated by the City, the employee shall be eligible to return to City employment in the same or similar position to the one which the employee occupied prior to the leave of absence. Prior to resuming employment with the City, the employee shall be required to take a physical examination, which shall include a blood or urine test for the presence of alcohol and/or drugs. The returning employee shall be placed on a probationary status for a period of one (1) year after his/her return to City employment. During the one year probationary period, the City may require the employee to take unannounced blood, urine or breath tests for the presence of alcohol and/or drugs. A positive test result on such a test or refusal to fully cooperate will result in disciplinary action, up to and including termination.

## **703 SECURITY INSPECTIONS**

The City wishes to maintain a work environment that is free from illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the City. Accordingly, they, ~~as well as any articles found within them, can be inspected by any agent or representative of the City at any time, whether with or without prior notice will not be inspected without either consent or at least reasonable suspicion that it contains some form of contraband (such as stolen items, illegal drugs, or any items prohibited by City policy).~~

The City prohibits theft or unauthorized possession of the property of employees, the City, visitors, and customers. To facilitate enforcement of the policy, the City or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the City's premises.

## **704 PERSONAL APPEARANCE**

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to the community.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their position. All employees are expected to practice good hygiene and arrive at work clean and well groomed. All clothing should be clean, neat, and free from tears. Hair must be clean and neat; if it is colored, it must be a color that is a natural color (i.e. not green, blue, purple, etc.) To prevent loss and injury, jewelry should be kept at a minimum. Earrings are acceptable. Other "piercings" through the nose, tongue, or other body parts may ~~possibly not~~ be worn while on duty as long as they do not harm the professional image of the City.

For example, a small stud (almost indiscernible) in the employee's nose may be acceptable but the employee's position will dictate as to the appropriateness. Tattoos may be acceptable depending on the employee's position and interaction with the citizens of Siloam Springs. The City Administrator reserves the right to make the final determination of the appropriateness of any piercing or tattoo.

The purpose of these appearance standards is to promote a comfortable working environment that is free of unnecessary distraction. Employee's dress and grooming should not draw attention to or interfere with the performance of work duties. Employees who report to work inappropriately groomed or attired may be asked to leave and change into acceptable clothing. In these situations, to the extent permitted by applicable law, the time away from work is without pay.

Various departments within the City receive a clothing allowance in the departmental budget. The City expects its employees to maintain these uniforms in a neat and orderly appearance.

Consult your Supervisor or Department Head if you have questions as to what constitutes appropriate attire.

## **705 LIFE THREATENING ILLNESS IN THE WORK PLACE**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.

## **706 SOLICITATION/DISTRIBUTION/POSTINGS**

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the work place at any time for any purpose.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit for any purpose during the work time of the employee being solicited or doing the solicitation. Also, employees may not distribute materials in any work area.

The City Administrator or Department Head may grant an exception for distribution of material pertaining to recognized non-profits or charitable civic organizations on the employee's own time. Permission shall not be granted for commercial, religious or political material. Employees must notify the City Administrator, in writing, when they serve on boards of non-profit organizations that may do business with the City.

In addition, the posting of written material on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Internal Memoranda
- Job Openings
- Payday Notices
- State Disability Insurance/Unemployment
- Insurance Information
- Legal Posters and Notices

## 707 REVIEW OF DISCIPLINARY ACTION/GRIEVANCE PROCEDURE

### *Progressive Discipline*

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The City supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. The City reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines The City's progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will

last for a predetermined amount of time to be determined by the Department head. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

- The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

## Grievance Procedure

A grievance is defined as an employee's formal expression of a complaint or disagreement and/or request for relief regarding employment conditions impacting safety, adverse employment actions such as suspension, demotion or termination, or loss of pay, benefits or seniority; but not including lateral transfers, changes in job titles, or other actions which do not negatively impact pay, benefits or authority. ~~as any employee's formal expression of a complaint, disagreement with or distress over something work related such as disciplinary action.~~ Employees holding a work-related grievance shall utilize the following procedure in working toward the resolution of his/her problem:

1. The first step in the grievance procedure is for the employee to discuss the problem with his/her Supervisor within three (3) working days after the incident leading to the grievance. If the employee's Supervisor takes no action or if the employee is not satisfied with the action or decision of the Supervisor, he/she shall, within five (5) working days, proceed to the second step of the grievance procedure. If the grievance involves the Supervisor, the employee may, within three (3) working days after the incident leading to the grievance, proceed to the second step. If the grievance involves the Department Head, the employee may, within three (3) working days after the incident leading to the grievance, contact the City Clerk-Human Resource Division.
2. Employees pursuing the second step of this process should make their complaint known in writing to their Department Head. This statement should include a brief description of the employee's complaint and any action taken or decision made by the employee's immediate Supervisor.
3. If within the next five (5) working days after this written statement reaches the office of the Department Head, the employee does not receive a satisfactory response, that employee should request in writing that the City Administrator convene a Grievance Board to hear his/her problem.
4. The City Administrator, or his/her designee, shall appoint a Grievance Board picked by lot, consisting of five (5) members to hear individual grievances as presented by employees. No standing board should be appointed. The Grievance Board shall consist of one Department Head not involved in the incident, one Supervisor not involved in the incident, one employee from the grievant's department, and two employees not assigned to the department involved. The ~~HR-Human Resource~~ Manager shall serve as moderator

of the Grievance Board. The Grievance Board will hear all pertinent evidence from the aggrieved party, Supervisor, and Department Head involved. The majority decision reached by the Grievance Board, by secret ballot, shall form the basis of a written recommendation by the Grievance Board to the City Administrator. The City Administrator will review the recommendation and make a decision. The decision of the City Administrator is final.

5. The Grievance Board shall be charged with determining whether there is a reasonable factual basis to support the action taken by the Supervisor or Department Head, or to otherwise support the complaint by the employee. The Grievance Board shall not be charged with determining discipline or with disputing action of the Supervisor or Department Head.

Department Heads who have a work-related grievance shall utilize the following procedures in working toward the resolution of their problem. These procedures shall be applicable to all grievance proceedings:

- a. The first step in this grievance procedure is for the Department Head to discuss his/her problem with the City Administrator within three (3) working days after the incident leading to the grievance, or when the Department Head first becomes aware of a situation causing a grievance. If the Administrator takes no action, or the Department Head is not satisfied with the action or decision of the Administrator, he/she should proceed to the second step of this employee grievance procedure.
- b. Department Heads pursuing the second step of this process should make their complaint known in writing to the City Board of Directors. This statement, which must be submitted at the next regular Board of Directors' meeting, should include a brief description of the Department Head's complaint, a description of action taken or decision made by the City Administrator, and an appeal from such action or decision.
- c. The City Board of Directors will consider the written complaint and decide by majority vote whether to intervene. In any event, the decision of the Board of Directors shall be final.

# **SECTION 8**

# **MISCELLANEOUS INFORMATION**

## **801 SEVERABILITY**

Should any of the provisions in this handbook be determined to be 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.

## **802 CONCLUSION**

It is not possible to answer in the handbook all of the questions you might have regarding your employment with the City. Answers to your specific questions and additional information are available from your Supervisor or Department Head. Do not hesitate to speak with them, as they want to have you well informed and prepared to do your job.

Section Nine of the handbook includes an acknowledgment page. You are required to sign and date that page, remove it from the handbook, and return it to the Human Resource office ~~of the City Clerk~~ to be placed in your personnel file.

You may retain the remainder of the handbook for future reference.

# **WELCOME TO THE CITY OF SILOAM SPRINGS!**

**ACKNOWLEDGMENT  
OF RECEIPT**

# **EMPLOYEE ACKNOWLEDGMENT OF RECEIPT**

## **THE CITY OF SILOAM SPRINGS EMPLOYEE HANDBOOK**

I acknowledge that I have received a copy of the City of Siloam Springs Employee Handbook and that I am responsible for becoming familiar with its contents. I have entered into my employment relationship with the City of Siloam Springs voluntarily. I understand and agree that the employee handbook is a compilation of guidelines only, that it is not a contract of employment, and that the City reserves the right to add to, modify, delete, interpret or replace the employee handbook except the employment-at-will policy, at any time with or without advance notice. Only the City Administrator, with the approval of the City Board of Directors, has the ability to adopt any revisions to the policies in this handbook. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

I understand that I am an employee at will which means that either the City or I may terminate the employment relationship at any time and for any reason. I also understand that my at-will status can only be changed by a written agreement, setting a definite term of employment, signed by the City Administrator.

Furthermore, I acknowledge that this handbook is not a contract of employment. By signing below, I hereby acknowledge that I have received and read the employee handbook in its entirety and have been given the opportunity to have any questions or concerns I may have regarding its terms, policies and procedures addressed. I further state that I will comply with the policies contained in this handbook and any revision made to it.

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Employee's Signature

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Date

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Employee's Name (Printed or Typed)



## STAFF REPORT

TO: Phillip Patterson, City Administrator  
FROM: Don Clark, Community Services Director  
DATE: February 23, 2016  
SUBJECT: Resolution 07-16 / Sale of Real Estate to Arkansas Highway and Transportation Department / \$3,275.00.

**Recommendation:** Approval of Resolution No. 07-16 authorizing the sale of real estate Tract 3, 3E-1, Tract 8, and Tract 10 to the Arkansas Highway and Transportation Department for the amount of \$3,275.00.

**Background:** The City of Siloam Springs owns several tracts of land in or around the area under construction for the new Cheri Whitlock Overpass. As a result, the City has been contacted to sell various tracts of land to Arkansas Highway and Transportation Department (AHTD) for construction easements and right-of-way access. The tracts of real estate and their sale prices are as listed:

| Tract   | Description  | Area (acres)                           | Price (\$) |
|---------|--|--|------------|
| 3, 3E-1 | 10' wide strip at NW corner of rodeo grounds, temporary easement, 9' of pipe fence | 0.03 acres + 0.02 acres temp. easement | \$1,075.00 |
| 8       | Small triangle on north end of James Butts Complex                                 | 0.02 acres                             | \$450.00   |
| 10      | 20' wide strip at NW corner of golf course   | 0.08 acres                             | \$1,750.00 |

The offer price has been determined by a licensed real estate appraiser with the AHTD and is based upon a general land value of \$21,780/acre. Per a previous agreement with the AHTD, this property will be given back to the City along with the rest of the right-of-way upon completion of the overpass project.

**Fiscal Impact:** Funds realized from this sale will be \$3,275.

**Attachments:** 1. Maps diagraming Tracts  
2. Resolution 07-16





**RESOLUTION NO. 7-16**

**A RESOLUTION AUTHORIZING THE SALE OF REAL ESTATE TO THE  
ARKANSAS HIGHWAY COMMISSION FOR CONSTRUCTION OF THE  
CHERI WHITLOCK OVERPASS, AND GRANTING A TEMPORARY  
CONSTRUCTION EASEMENT.**

**WHEREAS**, the Arkansas Highway Transportation Department (AHTD) has proposed construction of a railroad overpass on Cheri Whitlock Street (Hwy. 43) in the City of Siloam Springs; and

**WHEREAS**, in furtherance of said construction, the State of Arkansas is seeking to acquire certain specified tracts of real estate from the City at appraised value, as well as a temporary construction easement; and,

**WHEREAS**, the project as a whole and the granting of the requested transactions are in the best interest of the citizens of Siloam Springs;

**NOW THEREFORE:**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF SILOAM  
SPRINGS, ARKANSAS THAT:**

1. Sale of real property identified as Tract 10, Tract 8 and Tract 3, and further identified by the legal descriptions contained within the respective sales contracts, to the Arkansas State Highway Commission, is hereby authorized.
2. Said sales shall be for the value of each respective tract as determined by a qualified real estate appraiser. (\$1,750.00 for tract 10, \$450.00 for tract 8 and \$975.00 for tract 3.)
3. For the agreed consideration of One Hundred Dollars (\$100.00) a temporary construction easement, the duration of which shall not extend beyond completion of the project, is authorized for the tract identified as 3E-1, consisting of 0.03 acres (667 square feet) lying generally south and east of the intersection of Cheri Whitlock Street and Sue Anglin Drive, and as more particularly identified on the Arkansas State Highway Commission Job 090406 Right-of-Way Map.
4. The mayor (or vice-mayor in the absence of the mayor), city administrator and city clerk are authorized to execute such deeds, contracts and conveyances as required to implement and effect the above referenced sales and easement.

**DONE AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016

APPROVED:

(Seal)

\_\_\_\_\_  
John Mark Turner, Mayor

ATTEST:

\_\_\_\_\_  
Renea Ellis, City Clerk