City of Springdale

Personnel and Procedures Manual

RESOLUTION NO. 40-96

A RESOLUTION ADOPTING THE NEW PERSONNEL AND PROCEDURES MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, the City Council for the City of Springdale, Arkansas, has for many months been formulating a new Personnel and Procedures Manual;

WHEREAS, the final draft of the document entitled "City of Springdale Personnel and Procedures Manual" (hereinafter referred to as the "Manual") consisting of six parts ending on page 86 and thereafter containing Appendixes "A" through "F", is attached hereto as Exhibit "A" and made a part hereof as though set out herein word for word;

WHEREAS, the City Council for the City of Springdale, Arkansas finds that the said "Manual" should be adopted by the City Council for the City of Springdale, Arkansas, as its official document of personnel policies and procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: That the "City of Springdale Personnel and Procedures Manual," which is attached hereto as Exhibit "A" and made a part hereof, is hereby approved and adopted as the official personnel policies and procedures of the City of Springdale, Arkansas, and said policies and procedures shall remain in full force and effect unless amended or repealed;

Section 2: This "Manual" is intended to supersede the Personnel Policy Manual adopted by Resolution No. 20-86 and any policy or procedure of the City of Springdale in conflict with the policies and/or procedures contained in this "Manual" are hereby repealed, but nothing in this Resolution should be interpreted to amend or repeal the "Civil Services Rules and Regulations" (approved and adopted by the City Council by Resolution No. 13-96) or the Police Department "Operations Manual" (approved and adopted by the City Council by Resolution No. 15-96).

PASSED AND APPROVED this 8th day of October, 1996.

Charles N. McKinney, Mayor

ATTEST:

Denise Pearce, City Clerk

Billy Eden, City Council

Rex Bailey, City Council

John Reddish, City Council

Dwight Heathman, City Council

APPROVED:

Jeff C. Harper, City Attorney

Bob Collins, City Council

Tyler White, CityCouncil

T. Wayne Vanhook, City Council

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Part 1.

General Policy Provisions

CITY OF SPRINGDALE

PERSONNEL AND PROCEDURES MANUAL

PART 1. GENERAL POLICY PROVISIONS

1.1 **Mission:**

The mission of the City of Springdale is to provide quality services for the betterment of the health, safety, welfare, prosperity, comfort, and convenience of all persons in the City of Springdale, Arkansas. Each employee contributes to this mission by providing services for the benefit and advantage of individuals and businesses within Springdale.

The accomplishment of the mission and the quality of services provided by the City is dependent upon employee initiative and responsibility. The City seeks to attract and retain the most highly and competent employees. The policies and procedures set forth in this manual clarify the values of the City in directing its employees and governs employees as they serve the Springdale community.

1.2 **Mayor/Council Form of Government:**

The City of Springdale is organized as a Mayor/Council form of government. This form most closely parallels the federal government with an elected legislature and a separately elected chief executive.

The City Council is the City's legislative body and consists of eight (8) council members serving two (2) year terms. The Council sets policy, determines programs, services and their priorities, and approves the City budget. The elected Mayor is designated as the head of the City government and is responsible for implementing policy formulated by the Council and managing City operations.

1.3 **General Purposes of Policies:**

The policies contained in this Personnel Policy and Procedures Manual are enacted by the City of Springdale, Arkansas, in order to further the following goals:

1. To provide a uniform system of personnel administration throughout the City service.

2. To ensure that recruitment, selection, placement, promotion, retention, and separation of City employees are based upon employees' qualifications and fitness, and are in compliance with federal and state laws.

3. To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the City.

4. To promote communication between the department head, supervisors and employees.

5. To ensure, protect, and clarify the rights and responsibilities of employees.

1.4 **Scope of Policies:**

The policies and procedures contained in this manual apply to all employees of the City of Springdale, Arkansas, unless they are specifically exempted within a particular policy. The manual shall be referred to as the "Personnel and Procedures Manual." The City of Springdale did not attempt to develop one manual for civil service employees and one manual for non-civil service employees. However, no policies and procedures contained in this manual should be interpreted to be in conflict with Arkansas law. To the extent that any law of Arkansas provides additional or different benefits or rights to civil service employees, the provisions of these policies and procedures shall be deemed to include those statements of law.

In the event of a direct conflict between any of these policies or procedures and any Civil Service Commission rule or policy, or federal or state law that applies to employees of the City, the terms and conditions of that rule, policy, or law shall prevail. However, no policies or procedures contained in this manual should be read to take away the City's right to provide a greater benefit to its employees, so long as the policy or procedure is not in direct conflict with federal or state law.

If any department adopts a policy which is approved by the City Council, and is more restrictive than a particular policy or procedure set out herein, then the most restrictive policy shall apply to members of that department. However, no department shall adopt a policy or procedure that conflicts with any policy or procedure contained in this Manual without first obtaining approval from the City Council.
In the event of the amendment of any ordinance, rule, or law incorporated in this

document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

1.5 **Policies and Procedures Do Not Constitute a Contract:**

The City of Springdale specifically reserves the right to repeal, modify, or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the Mayor or Council to repeal or modify these policies, procedures, and/or rules.

1.6 **Administration of Policies and Procedures:**

Department heads manage their departments in harmony with the City's personnel policies and procedures and may implement policies and procedures necessary to carry out the responsibilities of their department consistent with these policies and procedures. Department heads are also responsible for notifying their department employees of any changes in policies and procedures.

Department heads are directly accountable to the Mayor for the administration of their department. Any complaint on the department head's management of a City department should be made to the Mayor's office.

1.7 **Policies are Severable:**

If any policy, procedure, or rule contained in this manual is held invalid by a court of law or by subsequent legislative action, such holding shall in no way effect the validity of the remaining policies, procedures, or rules contained in this manual, and such remaining polices, procedures, and/or rules shall remain in full force and effect.

1.8 **Americans With Disabilities Act (ADA) Policy:**

The City of Springdale does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, or disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA).

The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if such reasonable accommodations can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in City publicity announcements.

The City is committed to ensuring equal opportunities for disabled City employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodations will be provided upon request during an application/interview process.

The City is also committed to ensure equal opportunity for disabled persons on boards and commissions. Board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and accommodation provided during the selection process of board and commission members. Through the recruitment process, the City will actively seek and invite the participation of board and commission members who are disabled.

All future construction and renovation of City-owned buildings and facilities will be carried out in accordance with ADA Accessibility Guidelines (ADAAG).

In the event citizens, employees, or other participants in the City's programs, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

City staff will be trained to ensure that disabled persons may participate in and benefit from City programs, services, and activities.

1.9 **Americans With Disabilities Act (ADA) Grievance Procedure:**

The City of Springdale adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action

prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the ADA and the U.S. Department of Justice regulations implementing Title II of the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Complaints should be addressed to:

ADA Coordinator
City of Springdale
201 North Spring Street
Springdale, Arkansas 72764
Phone: (479) 750-8535

The ADA Coordinator has been designated to coordinate ADA compliance efforts. He or she shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

1. A complaint may be filed either in writing or verbally. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within 20 calendar days after the complainant becomes aware of the alleged violation.

2. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be commenced by the ADA Coordinator, or the designee of the ADA Coordinator, within 10 calendar days following filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, any opportunity to submit information relevant to such investigation.

3. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within 30 calendar days following the filing of the complaint.

4. The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within 10 calendar days following the date the complainant receives the

determination of the ADA Coordinator. The request for reconsideration shall be made to the Mayor, City of Springdale, 201 North Spring Street, Springdale, Arkansas 72764, phone - (479) 750-8113. The Mayor shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The Mayor shall issue his or her decision on the request for reconsideration within 20 days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

5. The complainant may request a reconsideration of the case determination of the Mayor in instances where he or she is dissatisfied with the decision of the Mayor. The request for reconsideration should be made within 10 calendar days following the date the complainant receives the determination of the Mayor. The request for reconsideration shall be made to the City Council for the City of Springdale through the City Clerk at 201 North Spring Street, Springdale, Arkansas 72764, Phone -- (479) 750-8117. The City Council shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within 30 calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the Council is final.

6. The complainant's right to prompt and equitable resolution of the complaint must not be impaired by his or her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. These rules shall be construed to: 1) protect the substantive rights of interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.

Part 2.

General Employment Policies

PART 2. GENERAL EMPLOYMENT POLICIES

2.1 **Equal Opportunity Employer:**

It is the policy of the City of Springdale, Arkansas, to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees, and city representatives, and to ensure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position which are bona fide occupational qualifications which cannot be accommodated without undue hardship. The City's commitment extends to all employment related decisions, including job opportunities, promotions, pay, and benefits.

2.2 **At-Will Employer:**

The City of Springdale is an at-will employer, subject to State law provisions governing civil service employees in the Police and Fire Departments. Employment with the City Of Springdale is voluntarily entered into, and employees are free to resign from their position with the company at will, at any time, with or without cause. Similarly, the City Of Springdale may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

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 employee.

NO POLICIES, PROCEDURES, COMMENTS, OR WRITINGS MADE HEREIN OR DURING THE EMPLOYMENT PROCESS SHALL BE CONSTRUED IN ANY WAY TO WAIVE THIS PROVISION.

2.3 **Job Descriptions:**

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include the following: a job summary, including supervision exercised by the employee; supervision received by the employee; pre-qualification

requirements for employment in the position; specific job duties and responsibilities; necessary special knowledge, skills and abilities required by the position; tools and equipment used; physical demands; and work environment. Job descriptions are reviewed periodically and may be revised when duties of the position are changed. A new job description shall be prepared for each new position. When there is a revision in a job description because of a change of duties or a new job description is written because a new position is created, a job description shall be prepared by the Human Resources Department, in consultation with the Mayor and the Personnel Committee of the City Council.

2.4 Nepotism

Policy as to Spouses Working in the Same Department: Spouses shall not work in the same department. In the event two employees within the same department are planning on getting married, the department head shall be notified by both employees prior to the marriage. The employees will be able to decide which employee will resign as soon as the two employees get married and in the event the employees cannot decide which employee will resign, the department head will make the decision based upon the best interest of the department, while also considering seniority. This policy does not apply when one spouse is a civil service employee, and the other spouse is a non-civil service employee. This policy also does not apply to a civil service employee who leaves employment with the City and returns as a non-civil service employee. However, under no circumstances will an employee be under the direct supervision of their spouse.

Policy as to Other Family Members Working in the Same Department: It is permissible for other immediate family members (other than spouses as set out in the previous paragraph) to work in the same department, except that under no circumstances shall one immediate family member be under the direct supervision of another family member. For the purposes of this particular paragraph, immediate family shall include: children, parents, brothers, sisters, grandparents, grandchildren, plus the various combinations of half, step, in-law and adoptive relationships that can be derived from those previously named relatives. Immediate family shall also include: aunts, uncles, nephews, nieces, and first cousins.

2.5 **Hiring Process for Non-Civil Service Positions:**

The department head will administer and coordinate the hiring process with the assistance of the Human Resources Department for all position vacancies within that department. For filling positions that are temporary full-time or temporary part-time, the department head may hire from the applications on file in the department from the previous three months, or may hire from temporary employment sources, such as temporary employment agencies. To ensure compliance with legal and equal opportunity requirements, all hiring efforts are to be conducted in the spirit of equal opportunity. All applications turned in to the department head will be kept on file for three months.

The following procedures shall be adhered to by all departments in filling regular full-time and/or regular part-time position vacancies.

2.5a Recruitment:

(1) The affected department shall formulate the job announcement with the Human Resources Department. For general laborer positions Public Works or Parks and Recreation Department for which employees are needed immediately, the department head, with the prior approval of the Mayor's office, may waive the job announcement and hire from the existing applications that have been submitted to the department in the previous three months.

(2) A determination will be made whether to accept in-house candidate applications only, or whether outside candidates will be considered for employment also.

(3) Following this determination, the job announcement will be distributed by the Human Resources Department to all City departments for posting for a minimum of ten (10) working days. In those cases where outside candidates will be considered, the announcement will be published in a newspaper of general circulation in Springdale at least ten (10) working days before the cut-off date for accepting applications. The City may also use other sources such as trade publications, professional journals, internet job boards, social media, and/or a newspaper with area or state-wide circulation if it is believed necessary in order to attract qualified applicants.

(4) Applicants may be disqualified for consideration for employment when any of the following facts exist:

a) They do not possess the qualifications to perform the essential functions of the job;

b) They have demonstrated an unsatisfactory employment record or personnel record as evidenced by information contained on the application form or by the results of a reference check;

c) They have made false statements of any material facts or practiced deception in their application;

d) They are physically, mentally or otherwise unable to perform the duties of the position with or without reasonable accommodation;

e) The applicant is not within the legal age limits prescribed by law. (Non-civil service applicants must be at least 18 years of age in order to be eligible for employment. Certain seasonal and/or part-time positions in the Parks & Recreation Department may hire a qualified applicant under 18 years of age based on the needs of the department; e.g. Lifeguards.)

2.5b Testing:

(1) Examinations may be developed by the department head for certain positions based on the position's responsibilities, the qualifications required, and resources available. Exam

(2) The examination may consist of oral interviews/application review, a structured questionnaire, practical tests, or written tests. In all cases, the testing will be job related, and designed to determine the candidate's knowledge, skills, and abilities for the position.

(3) The examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with the test development.

(4) The testing process will be administered by the department head after consultation with the Human Resources Department.

(5) The department head shall consult with Human Resources to ensure that all testing is based on bona fide occupational qualifications and does not violate any State or Federal employment laws. Human Resources will consult with the City Attorney when questions arise regarding test questions or procedures.

(6) The department head will consult with Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner. The following are ways that the City may accommodate an applicant with a disability: Replace written tests with on-the-job tests or verbal testing, enlarge print in exams, magnification, amplification devices, and interpreters. The department head shall inquire in testing announcements whether the applicant requires an accommodation.

2.5c Interview Process:

The employment interview is part of the selection process. The primary function of the interview is to obtain data on certain knowledge, skills, and abilities of a candidate not available through review of resume' or other testing mechanisms. Certain guidelines will be observed to maximize the validity and reliability of the interview process, as well as ensure adherence to current *Equal Employment Opportunity Commission* (EEOC) requirements.

(1) The department head shall coordinate the interview process, including the scheduling of candidates, development of interview questions, etc. The department head shall also decide if a panel should be selected to conduct the interview.

(2) If an interview panel is selected, it will be selected and confirmed by the department head. Generally, no more than three individuals will serve on the interview panel. The composition of the interview panel shall generally consist of personnel who have expertise with the technical elements of the position. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel. In the event the position is that of department head, then the Mayor with the assistance of the Human Resources Department shall coordinate the interview process, including selection of panel members, scheduling candidates, development of interview questions, etc. Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.

(3) The department head of the department in which the position vacancy exists (the Mayor in vacancies involving department head openings) shall be responsible for the development of interview questions and standards for measurement of candidate responses. Interview questions must be reviewed by Human Resources prior to

the interview. Consistency will be maintained in the questions asked of all candidates. The questions must be job related and based on the analysis described in the first paragraph of this policy. Questions will be designed to measure job knowledge, experience, and education, or to solicit responses which reflect those personal traits which are job related. Questions which pertain to race, sex, religion, or marital status, either directly or indirectly are prohibited. Any questions that would indirectly divulge an applicant's age, national origin or other discriminatory factor shall be made in strict accordance with law.

(4) Inquiries as to birth date and proof of age are not permitted. If age is a **bona fide** requirement of the job (i.e., a police officer must be a minimum of 21 years of age) the interviewer may ask if the applicant meets the age requirements outlined in the job description.

(5) Inquiries as to an applicant's ability to read, write, or speak foreign languages are permitted only when such inquiries are based on job requirements.

(6) Inquiries about whether an applicant has certain specified sensory, mental, or physical disabilities or health problems are NOT permitted. The interviewer may ask the applicant if they are to perform the essential functions of the job as outlined in the job description, with or without a reasonable accommodation.

(7) The department head (or Mayor's office in the event of department head openings) will conduct the interview or assemble the panel. The job description will be reviewed prior to the interview by the department head or by the interview panel. If an interview panel is used, copies of the applications of final candidates will also be provided to each panel member and the panel members will meet with the department head (or Mayor, if applicable) prior to the interview for an orientation.

(8) If an interview panel is selected each rater will score the candidates independently.

(9) If an interview panel is selected, following the interview, it shall attempt to reach consensus and report the interview results and recommendations to the department head (or Mayor, if applicable). If consensus cannot be reached, the final candidates, including their strengths and weaknesses, will be reported to the hiring authority.

2.5d Reference Check:

(1) After the interview, if it is decided by the department head that an employment offer will be extended, a reference check must be conducted before any offer of employment is made. The reference check includes verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information. Parts of the reference check may be delegated to the affected department. The Human Resources Department, or the department head, or the department head's designee shall conduct the reference check before a decision is made on an employment offer.

(2) Certain positions may be designated for a thorough background check by the police department or other designated individual/ agency.

(3) Results of the reference check and/or background check will help determine the applicant's fitness for the position.

(4) A recommendation for hire will be forwarded to the appointing authority for final approval.

2.5e Applicant Notification:

(1) After references are verified and a final decision reached, the candidate will be notified of his/her selection, and an employment offer made, with the request that the offer be accepted or rejected within a set number of days.

(2) If the first offer is rejected, it will be decided whether to hire another candidate or to reopen the position.

2.6 **Hiring Process for Civil Service Positions:**

The Springdale Civil Service Commission has formulated rules and regulations applicable to civil service positions within the City of Springdale. For entry level positions in the Police or Fire Departments (patrol officer or firefighter) the Civil Service Commission will certify the three applicants standing the highest to the department head. The department head shall then conduct the interview process of the certified applicants as set out herein in Policy 2.5c in this Policies and Procedures Manual. The department head shall also conduct a thorough background check before any hiring decision is made. Other procedures

required in the hiring process for civil service positions are set out hereafter in this Policies and Procedures Manual and/or in the Civil Service Rules and Regulations.

The Civil Service Commission has adopted their Rules and Regulations, and a copy of these Rules and Regulations can be obtained from the Mayor's office, the Police Chief, the Fire Chief, Human Resources Department, or City Clerk's office.

2.7 **Types of Employment and Eligibility for Benefits:**

1. The types of City employment are:

    a. **Regular Full-Time Employee**: An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 40 hours or more per week. Employees as described in the latter category above may not use accrued vacation to compensate for any reduction of hours, however, such employees shall be paid the applicable holiday pay when an established holiday occurs during their scheduled non-work hours.

    b. **Regular Part-Time Employee**: An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 39 hours or less per week.

    c. **Temporary Full-Time Employee**: An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule which, on a weekly basis, would total no less than 40 hours.

    d. **Temporary Part-Time Employee**: An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule of 39 hours or less per week.

2. Employee compensation shall be stated in terms of monthly salary or hourly wage.

3. Entitlement to employee benefits shall be as follows:

    a. Employees classified as regular full-time employees shall receive all employee benefits provided by the City for the position held. However, in regard to insurance benefits, a regular part-time employee may obtain insurance benefits if such employee regularly

works a shift schedule of 30 hours or more per week. An employee becomes eligible for insurance benefits on the first day of the first month following 30 days of employment. For example, if an employee starts on March 15, the employee will not be eligible for insurance benefits until May 1.

b. Employees classified as temporary full-time and temporary part-time shall not be entitled to any benefits. Regular part-time employees are not entitled to vacation leave or sick leave. Further, regular part-time employees are only entitled to those insurance benefits as stated in the previous paragraph.

c. Benefits in any pension plan shall be governed by the applicable laws and provisions of the pension plan.

2.8 **Physical Agility Test:**

The Springdale Police Department and the Springdale Fire Department may require a physical agility test, which will directly relate to the requirements of the job as set out in the job descriptions of patrol officer and firefighter. Such a physical agility test shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. Information about the physical agility test can be obtained from the department head.

2.9 **Post-Job Offer Pre-Employment Physicals/Tests:**

Post job offer pre-employment physicals shall be required for all civil service positions within the City of Springdale, Arkansas, and for certain other positions designated by the Mayor. Any time a pre-employment physical is required, such examination shall be paid for by the City and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by a licensed physician selected by the Mayor or the Mayor's designee.

These medical files shall be maintained in the physician's office, with a summary report provided to the department head as to whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation by the Mayor or department head. In addition to post-job offer pre-employment

physicals, certain civil service positions require a post-job offer psychological examination, and this examination shall be given any time it is required by Federal or State law. In addition, certain other positions within the City of Springdale require a post-job offer drug test, and the positions requiring such an examination and the policies and procedures concerning the drug test are more particularly set out hereafter in this manual.

Reports and records of all physical, psychological, mental exams, and drug tests shall be kept in the offices of the physicians or practitioners performing the examinations, with only a summary report provided to the department head to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal, supervisory, or administrative personnel within the City government.

2.10 **Fitness For Duty Exam:**

Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the department head shall take such action that is necessary for the good of the service.

2.11 **Employee In Process/Orientation:**

All new regular full-time and regular part-time employees of the City will be scheduled to meet with the department head or the department head's designee on their first day of work for general orientation. The department head shall provide the following information to the new employee, including:

a. Work standards and regulations;
b. Hours of work, time cards or reports required, leave requests;
c. Duties of the position and copy of the job description;
d. Safety rules and procedures, location of safety or protective equipment;
e. Tour of the work area, including location of equipment, supplies, etc.;
f. Introduction to co-workers;
g. Schedule for lunch and breaks;
h. When and whom to report absence from work;

i. Who is responsible for performance planning and review;

Each new regular employee shall also be provided with information on employee benefits, City policies and procedures and before performing job functions, will be required to complete a form acknowledging they have read and understand the City's personnel and procedures manual, and have read the procedures, rules and regulations of the department in which they are employed.

Temporary employees of the City will be scheduled to meet with the department head or department head's designee to discuss the duties of the position, safety rules, and procedures, location of safety or protective equipment, and any other information the department head deems necessary to enable the temporary employee to perform the duties of the job.

Each new employee, before beginning work, will also make contact with the Human Resources Department who will provide information on employee benefits and payroll procedures.

2.12 **Work Periods:**

To establish work periods for the purposes of Federal Fair Labor Standards Act (FLSA), the following are deemed work periods of City employees:

1. **24 Hour Shift Firefighters**: The work period for any 24 hour shift firefighter (a line-duty firefighter, regardless of rank) shall be 21 days. This work period starts at 12:00 a.m. and ends 21 days later at 11:59 p.m.

2. **Non-24 Hour Shift Firefighters**: These are firefighters who are assigned to positions where the firefighters, regardless of rank, regularly work five consecutive days, with two days off; this includes battalion chief/fire marshal and battalion chief/training officer and any other non-exempt firefighter assigned to that roll. The work period for these employees shall be seven days. The work period starts at 10:45 p.m. on Saturday and ends at 10:45 p.m. on the following Saturday.

3. **Police Officers**: The work period for all sworn police officers is 14 days beginning at 12:00 a.m. on Sunday, and ending 14 days later at the same time.

4. **All Other City Employees**: All other City employees not named in paragraphs 1, 2, or 3 shall be on a seven day work period, beginning at 10:45 p.m. on Saturday and ending at 10:45 p.m. the following Saturday.

Limitations: This policy shall not apply to executive, professional, administrative, and all other employees who are exempt from FLSA.

2.13 **Change of Address:**

It is important that if an employee changes his or her home address or telephone number that the employee notify his/her department head or designee and the Human Resources Department of this change so that personnel files may be kept up to date. This is important in case the City must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee must report it immediately to the Human Resources Department. In addition to this policy, employees of the Police Department, Fire Department, and other departments providing emergency services, such as the Public Works road crew, are subject to their own department's rules and regulations governing the notification of the department head on change of address and/or phone numbers.

2.14 **Performance Evaluations:**

Department heads and supervisors conduct employee performance evaluations. It is the department head's responsibility to make sure that the performance of every regular full-time employee is evaluated at the proper times under this policy.

For civil service positions, the following procedures shall apply (they parallel Civil Services Rules and Regulations):

1. For those employees appointed to an entry level civil service position (patrol officer or firefighter), an employee performance evaluation will be completed at least:

    a. Upon the employee's completion of six months in the civil service position;

b. Upon the employee's completion of 11 months in the civil service position.

2. Upon promotion from one civil service position to another civil service position, the employee promoted will have an employee performance evaluation at the end of at least the fifth month after the employee is promoted to the position.

3. After a civil service employee, whether newly hired or promoted, has completed their probationary period, the employee will thereafter be evaluated at least on an annual basis.

For non-civil service employees, performance evaluations will be made at least on an annual basis.

Performance evaluations are considered when deciding if an employee receives a step increase under the City's compensation plan (as hereafter set out in this manual). However, the performance evaluations are also used to assist the employee in performing their responsibilities and for making any necessary corrections to improve efficiency of the employee's performance, thereby increasing the efficiency of the department. Department heads and supervisors evaluate regular part-time and temporary employees as deemed necessary. All performance evaluations shall become part of the employee's personnel file.

The Mayor shall evaluate department heads at least on an annual basis.

2.15 **Travel Expenses:**

The City of Springdale allows travel expenses for City employees who are required to travel to transact official City business and when attending professional meetings, conferences and training sessions which promote the overall job knowledge of the individual.

Employees who travel in their own personal vehicles on City business will be paid at the same rate the federal government pays to its employees. It is the responsibility of the City’s finance director to keep up with the current rates being paid federal employees for travel. If, in connection with the travel, the employee is required to stay overnight, then the City shall also pay for necessary motel/hotel expenses. In the event the department head authorizes a City owned vehicle to be used by the employee for travel, all expenses of providing the transportation, such as gas and maintenance on the City owned vehicle, shall be paid by the City.

When travel is required, the City shall also pay for the employee's meals, including tips, on a per diem rate for each day, and the per diem rate is to be determined by the Internal Revenue Service (IRS) guidelines for the area in which the employee is traveling. The finance director shall be responsible for updating the per diem guidelines on an annual basis, maintaining a list of geographic areas.

In the event the employee is required to travel, the City will not pay for any entertainment expenses, such as the rental of movies, attendance to non-seminar or non-job related activities, or for alcoholic beverages.

2.16 **Equipment:**

It shall be the responsibility of the individual employee to properly maintain his/her equipment. Any problems with equipment shall be reported to the department head.

For the mutual convenience of the employee and the City of Springdale, the employee may be assigned City owned equipment, such as vehicles, lockers, desks, cabinets, and briefcases. The employee is hereby advised that the retention of any personal items in such equipment is at the employee's own risk, and neither the City nor the employee's supervisor will be responsible for any losses; however, any City provided equipment is subject to entry, search, and inspection by the employee's superiors, without further notice to the employee. Any privately owned property contained in such equipment (including the contents of clothes or sealed items/containers) may also be opened and examined without further notice to or the permission of the employee. This includes any City provided equipment that is protected by a personally owned lock that the employee provides. Therefore, employees have NO expectation of privacy when using City provided equipment.

2.17 **Transfers (Only Applies to Non-Civil Service Employees):**

A transfer occurs when an employee is moved from one non-civil service position to another non-civil service position within the City. An employee may be transferred temporarily or permanently to receive additional training, due to shortage of funds, as part of a department's reorganization, or when it is in the best interest of the employee and the City.

2.18 **Re-Employment (Only Applies to Non-Civil Service Positions):**

Any former regular employee who resigned from the City in good standing is eligible for re-employment. Persons interested in re-employment should file a completed City application form with the Human Resources Department. The individual will then proceed through the regular hiring procedures with other applicants as described in the Hiring Process Policy.

If re-hired, the employee will be considered a new employee in all respects.

2.19 (A) **Work Hours:**

The normal working hours for employees of the City is eight hours per day and the work hours for each department will be set by the department head, with the approval of the Mayor. Any normal change in hours shall be approved by the Mayor in advance.

The Fair Labor Standards Act (FLSA) requires employers to pay employees only for time actually worked. However, under the FLSA, rounding of recorded work time on a fair and even basis, up and down, is permitted by the U.S. Department of Labor. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they actually work. It is the practice of the City of Springdale to round working time to 15-minute intervals *for all non-exempt employees.* To illustrate, if an employee reports to work at 8:08 a.m. rather than at the expected 8:00 a.m. starting time, the employee need be compensated only for work commencing at 8:15 a.m. However, if the same employee reports to work at 8:07 a.m., the employee would have to be paid as if he or she had commenced work at 8:00 a.m. Over time the hours worked under this arrangement even out in a manner fair to both the employer and the employee. The FLSA specifically excludes from hours worked activities that are “preliminary and postliminary” to the main job duties such as the time required to walk to/from a work station to/from the parking lot. This time need not be compensated.

The provisions of this policy in no way alleviate an employee’s obligation to comply with the absenteeism and tardiness requirements set forth further in this section.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

All breaks, including lunch breaks shall be arranged by the employee at the discretion of his/her supervisor.

The standardization of working hours is necessary to provide:

A. Continuity in access by and service to the citizenry.
B. Facilitation of teamwork.
C. Facilitation of supervisory assistance.

Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. Individual request for adjustment of working hours for personal reasons must be evaluated in light of the effect on the criteria enumerated in items A, B and C above.

Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence, and the time missed will not be paid. Tardiness must be made up during the pay period in which it occurs.

Notification by another employee, friend, or relative is not considered proper notification except in an emergency situation where the employee is physically unable to make the notification.

Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. This may take the form of progressive discipline.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate department head with the concurrence of the Mayor.

(B) **Work from Home Policy:**

Employees are only permitted to work from home with prior permission from their supervisor. Work from home requests must be made via the Work from Home Authorization Form.

Supervisors have the discretion to allow work at home. However, authorizing hourly, non-exempt staff to work at home is discouraged. Before granting permission for short-term work at home arrangements, supervisors should know the specific work to be performed and the projected amount of time expected. If an hourly, non-exempt employee is permitted to work from home, the supervisor must authorize that work in advance, be able to justify that the work can be appropriately performed at home, have a method to confirm that work has been performed, and have a method of tracking the actual number of hours worked at home. If the work at home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state

law then the supervisor should consult the overtime policy before granting permission.

Sending or responding to work related texts and emails during the employee's off hours is considered working from home. Hourly non-exempt staff must have prior approval from their supervisor to send or respond to work related texts or emails and must report this as time worked on their time sheets.

Working at home is not designed to be a substitute for dependent care. The focus of work-from-home activities must remain on job performance and meeting City work-related needs.

Employees must be available by phone, text, and/or email during work-from-home hours. The City will not pay or reimburse work-related voice and data communication charges.

Except in rare instances, the City does not provide tools or equipment for the employee to work from home. When the employee uses her/his own tools or equipment, such as computer hardware/software or phone, the employee is responsible for maintenance and repair of the equipment; the City will not reimburse the employee. The employee's supervisor has the final determination regarding any City materials taken home. These materials should be kept in the designated work area and not be made accessible to others. Office supplies (pens, paper, etc.) will be provided by the City as needed and as determined by the employee's supervisor; out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's supervisor. The employee is required to take reasonable care of all City materials and supplies, to keep them secure, and to use them in accordance with operating instructions and IT policy. City supplies and materials are expected to be returned when the work-at-home period is complete.

Department heads should have consistent practices when authorizing staff to work at home.

Under no circumstances are employees permitted to work at home without prior permission from their supervisor. Any attempt to do so, with or without reporting such time, will result in disciplinary action in accordance with the City's Disciplinary Action Policy.

2.20 **Promotions (Only Applies to Non-Civil Service Positions):**

The City attempts to fill all vacant positions with qualified City employees before advertising to the general public, following a policy of upward mobility whenever possible. Employees are encouraged to apply for any vacancy for which they

may qualify in accordance with the administrative policy on hiring process (Policy No. 2.5). Generally, employees are expected to serve in their current position for at least a year before being considered for a promotional transfer. Selection of an employee for a promotion (or internal transfer) is based on past work record, education, knowledge of the job duties, as well as time in service. In cases where only one employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Mayor's office.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the department head for a specified time or assignment as necessary.

2.21 **Employment Separation/Out Process:**

Types of employment separation:

a. **Employee Service Retirement**: Voluntary termination after having satisfied the age and length of employment requirements of the applicable retirement system of which the employee is a member.

b. **Disability Retirement**: Voluntary termination necessitated by an injury or illness which renders the employee incapable of performing his/her usual job. The termination is preceded by a memo/letter from the employee to the department head advising of the disability ruling, date of termination, supporting documentation and a ruling by the appropriate retirement board approving the disability retirement.

c. **Employee Initiated Resignation**: Voluntary termination for any reason other than formal retirement. An employee wanting to leave the City in good standing shall provide a written resignation to his/her immediate supervisor at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving, as well as the proposed effective date. Two weeks notice (and 4 weeks notice in the case of department heads) is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement, if necessary.

d. **Layoff**: Termination of an employee by the City for lack of work, lack of funds, or other changes that have taken place effecting the job. In layoff, recall, and filling regular job vacancies for non-civil

service positions, the City shall give equal consideration to an employee's ability and performance of the duties required in the job and consideration to an employee's length of continuous service with the City in the classification. In applying this provision, where qualifications, experience, and performance are equal, seniority shall govern. Every effort will be made for transfers to other departments when a position is open for which the employee qualifies.

The City shall provide an employee with at least two weeks advanced notification prior to layoff, except in case of an emergency. A non-civil service employee on layoff must keep the City informed of the address and telephone number where he/she can be contacted. If the City is unable to contact the employee within seven calendar days, the City's obligation to recall the employee shall cease. The City shall have no obligation to recall an employee after he/she has been on continuous layoff for a period which exceeds one year. Should the employee not return to work when recalled, the City shall have no further obligation to recall him/her.

Civil service employees are governed by Civil Service Rules and Regulations in regard to layoff and recall.

e. **Discharge/Termination of Employment by City**: This separation of employment is when the employment relationship is terminated by the City.

EXIT INTERVIEW: The department head should ask the employee if they would like to participate in an exit interview. If the employee so chooses, the employee should contact the Human Resources Department to schedule an exit interview prior to the last day of employment. Temporary employees do not participate in the exit interview process unless information can be gained which will improve or enhance present employment conditions.

The department head should immediately notify the Human Resources Department and the payroll accountant of the employee's separation date, via a memo or email. The employee shall receive pay for work performed through the last hour worked, and for unused benefits as stipulated by policy and laws governing such payments.

Before the final paycheck is issued to the employee, the employee shall be required to turn all City equipment in to the department

head, and complete the exit interview. Failure by the employee to properly complete this procedure may result in delay of receipt of the final paycheck. The official date of termination will be the last day the employee reports for work.

Termination pay shall be reduced by any authorized legal deductions; authorized pension plan; credit union; United Way for the pay period involved; any amounts owed to the City that have not been paid by the employee, including cost of city equipment or uniforms that have not been returned by the employee; and any other amounts specifically agreed upon orally or in writing by the employee and the City.

Benefits continue through the time actually worked by the employee, including any days "worked" from accumulated vacation and compensatory time. If such time takes the employee through the 16th day of the month, health care will continue through the last day of the month.

For those employees who are not retiring, monies accumulated in the employee's retirement account are refundable. Forms required to request this refund are available in the Human Resources Department.

2.22 **Administration of Employee Personnel Records:**

The Human Resources Department with the assistance of the payroll accountant is responsible for establishing and maintaining an official personnel file for each employee of the City. In each personnel file, which will be kept in a secure file cabinet or an electronic version in the payroll accountant's office, the Human Resources Department will ensure that the following documents are retained throughout the association of the employee with the City:

1. Employee application;
2. Job description and specification information;
3. Job performance ratings and evaluations;
4. Education/training information;
5. Payroll records, including current step and grade of employee on City of Springdale pay scale;
6. Disciplinary actions involving letters of reprimand (written warning), suspension without pay, demotion, and/or discharge (for civil service employees, disciplinary actions contained in the personnel file shall be purged as set out by Civil Service Rules and Regulations);

7. Letters of commendation, promotion, and/or exit interview;
8. Lists of civil service certifications for appointment or promotion.

Department heads are responsible for the forwarding of the above listed documents for inclusion in the personnel files of all employees assigned to their department.

The results of any physical examination(s), drug test(s), psychological profile(s), or background checks shall be maintained in a separate file from the personnel file by the department head. Access to these records shall be allowed to the Mayor, Human Resources Department, and/or City Attorney, if it would be helpful, necessary, or warranted for legal or administrative purposes.

The following documents are deemed to be temporary, and these documents have a limited retention of three calendar years, and such documents include:

1. Administrative correspondence relating to leave/ vacation requests;
2. All other administrative documents of limited informational lifespan;

These documents shall be kept in the permanent personnel file of the employee, but may be purged by the Human Resources Department after three calendar years.

Department heads may keep their own personnel files containing the permanent documents previously set out in this policy, but the department head shall also ensure that all such permanent documents listed are also kept in a permanent file of the employee in the payroll accountant's office. The department head shall also make sure that those temporary documents, such as vacation requests and other documents, are provided to the Human Resources Department for inclusion in the employee's personnel file.

The Human Resources Department shall treat as confidential all employee information, except when required to verify information relating to job title, department, base salary, and dates of employment. Any other information will not be released to the public without the expressed written permission of the employee, unless the City is directed to do so by a subpoena, the records are relevant to a hearing involving the employee (such as a grievance hearing), or unless the documents requested are subject to release under the Arkansas Freedom of Information Act.

All personnel records are maintained during the tenure of the employee and for seven years after the employee leaves City employment, unless a special reason exists for

maintaining the file longer.

2.23 **Inclement Weather:**

The City's policy is to remain open during inclement weather, except under the most extreme conditions. In such event, the Mayor will generally recommend closure for traffic safety considerations. However, certain "essential service" employees must remain at work, or report to work for their regularly scheduled shifts, even under these circumstances. For purposes of this policy, "essential service" employees are declared to be all sworn police officers, all sworn firefighters, dispatchers, and emergency road crew employees in the Street Department. The Mayor may also designate any other City employees as "essential service employees."

If the Mayor determines City Hall should close during normal operating hours because of extreme weather conditions, the Mayor shall notify the department heads to let all non-essential service employees go home. The time of closure of City Hall will also be announced. In the event the Mayor decides that such extreme conditions exist that City Hall should be closed for a full day, the Mayor will notify area media outlets in the area for announcement. The Mayor shall also notify department heads, if possible, of such decision.

Those non-essential service employees affected by a closure will receive their regular base pay for the duration of the closure. Those employees who are on approved leave when City Hall is closed under this policy will still be charged with the appropriate approved leave.

If the City is not closed due to inclement weather and an employee is unable to get to work, time off may be charged to vacation, or taken as time off without pay. Employees who leave work early or are late to work due to abnormal weather conditions when the City has not been closed may charge their time off in a similar manner with the approval of the department head.

Part 3.

Employee Conduct Policies

PART 3. EMPLOYEE CONDUCT POLICIES

3.1 **Employee Code of Ethics:**

Every employee has an obligation to faithfully discharge the duties of their position. Each employee of the City of Springdale is engaged in the conduct of public business and must uphold the public trust inherent in the position held.

The use of public trust for private gain is contrary to the ethics of good government. Business dealings should be free from any hidden personal or financial interest. In the event any City employee has a financial interest or holds any management position in a business or organization that has any financial dealings with the City, or is proposing any financial dealings with the City (not including payment of license or permit fees required in the normal course of business), such employee shall disclose this relationship in writing both to the department head of the employee's department and to the Mayor.

Each employee has an obligation to support and carry out the policies, procedures, and programs of the City Council, as administered by the Mayor. All employees should remember to follow the chain of command. Actions must not knowingly be taken that are detrimental to the interests of the City or that are inconsistent with the policies or lawful orders of the Council or Mayor.

3.2 **Conduct Toward the Public**:

Employees of the City of Springdale shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions, and statements are in essence those of the City.

In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the City and further, one which generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he or she would like to be treated with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.

When an employee is not certain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

3.3 **Uniforms and Personal Appearance:**

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

If a non-Civil Service employee is required to wear a logoed uniform shirt and specific type of work pant, the City will reimburse for both the shirt and pant. Items considered "every day wear" such as jeans or khakis, will not be reimbursed by the City. Boots required by the City, with the exception of steel-toed boots, will be reimbursed through payroll as a taxable benefit to the employee per current tax law. All shoes and clothing purchased by the City Of Springdale, with the exception of articles taxed to the employee, must be returned upon separation from the City. Each department should maintain a written uniform policy approved by the Mayor.

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

3.4 **Unlawful Harassment:**

The City of Springdale expressly prohibits any form of unlawful employee harassment based on race, religion, color, sex, national origin, age, handicap, or status as a veteran or special disabled veteran. HARASSMENT WILL NOT BE TOLERATED.

Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection or detriment, because of race, sex, religion, national origin, age (over 40) or disability. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or when submission or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Harassment may include any of the following:

1. Verbal abuse or ridicule;
2. Interference with an employee's work;
3. Displaying or distributing sexually offensive, racist, or other derogatory materials;
4. Discriminating against any employee in work assignments or job related training because of one of the above-referenced basis;
5. Intimate physical conduct;
6. Making offensive sexual, racial or other derogatory innuendoes;
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

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

1. An employee should report harassment or suspected harassment to their immediate supervisor, or another supervisor within their department, or the department head, or the Mayor. If, for some reason, the employee does not feel comfortable making the complaint to any one of these persons, then the complaint may be filed with the Personnel Officer. These alternatives are given so the employee can speak with the person that he/she is most comfortable with in making the report. This complaint should be made in writing and should be made immediately or within 3 working days of the suspected harassment incident. Any time a supervisor is notified of a harassment complaint, the supervisor shall immediately notify the department head. (If the complaint is against the department head, the Mayor shall be notified first, and then the Mayor shall notify the department head).

2. When the department head is notified of a harassment complaint as set out in the previous paragraph, he/she shall ensure the matter is fully investigated. The Mayor will immediately be notified of the nature of the allegation, and will be kept informed concerning the investigation and the results thereof. In the event the complaint is against the department head, the Mayor's office will conduct the investigation.

3. Upon the complaint being fully investigated, a determination of the facts and an appropriate response will be made on a case by case basis. If the complaint is not against the department head, the department head shall determine the appropriate response after consultation with the Mayor.

The City of Springdale will not tolerate harassment or any unlawful or job related retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Further, failure to cooperate with an

investigation of harassment will constitute a violation of this policy. A failure of a supervisor to report instances of harassment, even if no formal complaint is made, will be the basis for disciplinary action. Any employee violating any provision contained in this policy shall be subject to disciplinary action, up to and including discharge.

All complaints and investigations will be treated in a confidential manner. The City of Springdale cannot guarantee the confidentiality of harassment complaints to the extent that it prevents the City from conducting a thorough investigation. However, confidentiality will be observed to the fullest extent possible, but the City must reveal the circumstances of the complaint to the extent necessary to investigate it.

3.5 **Guidelines for Appropriate Conduct:**

It shall be the duty of employees of the City of Springdale to maintain high standards of cooperation, efficiency, and integrity in their work with the City. If an employee's conduct falls below standard, he/she may be subject to disciplinary action.

The following are examples of conduct for which disciplinary action may be taken:

A. Misconduct:

Misconduct may include, but is not limited to:

1. Violation of the laws of the United States or the State of Arkansas or ordinances of the City;

2. Conduct on or off the job that discredits the City or affects the employee's ability to perform effectively, such as the commission of an act or acts offending to public morals or decency;

3. The commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected;

4. Violation of the policies of the City, including the policies contained in this manual and Executive Orders, or failure to properly observe the rules and regulations of the City, department, or division;

5. Use or abuse of alcohol, or unlawful use of controlled or psychotoxic substances while working or in a manner that adversely affects performance;

6. A poor driving record in situations where driving is a required job duty;

7. Reprehensible or indecent language or conduct bringing discredit upon the City or the department;

8. Using official authority to influence or coerce any political action;

9. Dishonesty in word or conduct;

10. Unauthorized use or abuse of City vehicles, equipment or property;

11. Habitual neglect of personal appearance and hygiene while on duty;

12. Insubordination;

13. Employees shall not engage in conduct unbecoming an employee of the City or their department. Conduct unbecoming is any conduct which adversely affects the morale, operations, or efficiency of the City or any department within the City or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the City, the department or the employee. Conduct unbecoming also includes any conduct which brings the City, the department or employee into disrepute or brings discredit upon the employee, department or City;

14. The violation of any City policy, procedure, rule, or regulation or the violation of any policy, procedure, rule, or regulation of the employee's department.

B. Incompetency:

Incompetency may include, but is not limited to:

1. Failure to maintain an acceptable score on a performance evaluation, or failure to show substantial improvement after being told corrections in performance are necessary;

2. Inability to perform the essential functions of the position, with or without reasonable accommodation;

3. Failure to perform duty. The following shall be grounds for the charge of failure in the performance of duty:

a. Failure to perform those duties required by law;

b. Neglect or refusal to perform a duty or responsibility;

c. Conduct subversive of good order and discipline of the department where employed;

d. Failure to be courteous or cooperative with the public or fellow employees;

e. Unexplained absence or habitual tardiness.

3.6 **Absenteeism and Tardiness:**

The City of Springdale expects all of its employees to be at work on time on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole, and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give "proper notice" to his or her supervisor. Unexcused absences and tardiness could result in disciplinary action.

Tardiness exists when an employee fails to report to work at the specified starting time. Three (3) tardy occurrences within a three (3) month period of time will prompt a counseling with the supervisor to determine a plan or steps the employee will take to improve their record. Repeated tardiness after the counseling is considered a pattern of tardiness and may subject the employee to the disciplinary procedure found in Section 3.13.

For absenteeism and tardiness involving inclement weather, see the inclement weather policy (Policy 2.23).

"Proper notice" is defined by the City to be notice in advance of the time an employee should report for work and no later than one hour thereafter if absence notice is impossible.

An absence of an employee from duty, including any absence of one day, or part thereof, that is not authorized in advance by the department head or the employee's supervisor, should be deemed absence without leave. Such absence shall be without pay.

3.7 **Conduct With the Media:**

To ensure that only accurate and up-to-date information is provided to the media, each department head shall designate either themselves or another employee of the department to act as a department spokesperson. The department head or designated spokesperson (or any designated alternates) shall be the only persons authorized to speak on behalf of their departments.

The department head shall supply any information to the media which is subject to disclosure under the Arkansas Freedom of Information Act. Any time the media or other party requests records or other information from the City, the department head, if unsure whether or not the record/information is subject to disclosure under the Arkansas Freedom of Information Act, shall immediately refer the request to the City Attorney's Office, who shall confer with the department head on the action to be taken. The Mayor's office shall also be notified.

3.8 **Outside Employment or Moonlighting (Does Not Apply to Civil Service Employees):**

Holding a second job while you are working with the City is permissible. However, employment with the City must be primary and any secondary employment shall not conflict with City work. If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head and receive prior approval (if the department head is the involved employee, the department head shall discuss the matter with the Mayor and receive prior approval).

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

Employees shall not work at any outside employment on the same calendar day that they failed to report for duty for their City job due to illness or injury. Any exception to this must be approved by the department head or the Mayor.

NOTE: The Police Department and Fire Department have adopted more restrictive departmental policies/regulations regarding outside employment of sworn officers (civil service employees).

3.9 **Political Activity:**

City employees are encouraged to exercise their right to vote and, if necessary, reasonable time will be granted for this purpose. However, to ensure impartiality and non-partisan service, certain actions which constitute inappropriate political activity will not be allowed. These include:

1. No employee shall participate in partisan politics during working hours. "It shall be unlawful for any public officer, deputy or assistant to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office." (A.C.A. §7-1-103(2)(A))

2. Use of City property or facilities (cars, stationary, telephone, offices, etc.) for campaigning is prohibited.

3. "It shall be unlawful for any public officer, deputy or assistant who may be a candidate for the nomination to any office, or who may be a candidate for any office to be voted for at any election, to use any office or room furnished at public expense for his/her political headquarters or to send out or distribute any letters, circulars or other campaign literature from such public office or room." (A.C.A. §7-1-103(3))

4. "It shall be unlawful for any campaign banners, cards or campaign literature to be placed on any cars, trucks or tractors belonging to the State of Arkansas or any municipality or county in the State." (A.C.A §7-1-103(6))

5. Any employee who becomes a candidate for a city, county, district, state or national office may be granted a leave of absence without pay during the time he/she actively campaigns. The employee may also take earned vacation time for this purpose.

3.10 **Use of Alcohol and Tobacco:**

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty, unless it is required as part of the job, such as a police assignment. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized presence of alcohol on City property or report to work with unacceptable blood alcohol concentration (BAC) levels as set out in this policy, will be subject to disciplinary action, including discharge.

"Reasonable suspicion" shall be defined in this policy the same as Policy 3.12. In the event there is reasonable suspicion to believe that an employee's job performance may be impaired by alcohol, the employee's supervisor shall question the employee with regard to their behavior. The supervisor should directly observe the employee's behavior and document the behavior.

Indications of impaired behavior include, but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior.

When possible, a second managerial employee shall also observe the employee to verify that there is reasonable suspicion to believe that alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his duties effectively and safely. The employee shall be relieved of his/her duties and placed on a suspension with pay status until a clear determination can be made as to the abuse or non-abuse of alcohol.

In the event there is reasonable suspicion to believe that alcohol consumption is involved, the supervisor or appropriate manager shall have an alcohol test administered. Refusal of an employee to take the test(s) shall result in immediate discharge. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.

If the behavior that led to the initial investigation is not due to alcohol abuse, but the employee's job performance is hindered, the City may require a drug test or may require the employee to undergo a medical evaluation. Where appropriate, a signed physician's release may be required by the employer before the employee returns to work. Time lost due to an illness (not alcohol abuse or substance abuse) will be charged to sick leave.

If a law enforcement officer or firefighter reports for duty or is on duty, their BAC level shall not be .02% or above. The prohibited BAC levels for persons holding positions requiring commercial driver's licenses are set by policy in Appendix A, which is incorporated herein by reference. The prohibited BAC levels for certain other employees within the Springdale Street Department are set by the policy in Appendix C, which is incorporated herein by reference. All other employees shall not report for work or be on duty with a BAC level of .04% or above. Depending on the circumstances, if it is determined that immediate discharge is not warranted, the employee may be placed in an unpaid rehabilitation leave status. However, the department head shall consult with the Mayor and Personnel Officer before this decision is made and discharge is the preferred action in cases where an employee reports to work or is working with unacceptable BAC

levels as set out in this policy.

Alcohol testing is done by testing breath, because it is the most easily obtained body substance and the results are known within minutes of testing. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one-tenth of a gram of alcohol per 210 liters of breath.

The alcohol testing will be done in a site that affords privacy to the employee being tested. This site could be a room, van, or a partitioned off area. Only one breath test will be done at one time. The person giving the test will not leave the testing site during the test.

The testing device for alcohol testing is called an Evidential Breath Testing device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight." The first part of the testing process is to make sure the EBT is operating properly. In the employee's presence, the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next a sealed mouth piece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the employee is requested to blow into the mouth piece for at least six seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the initial test.

When the initial test results show a reading of equal or above the BAC level under the policy applicable to the particular employee, a confirmation test is necessary. Before the confirmation test, a 20 minute waiting period will be observed during which time the person being tested cannot leave the test site and may not eat, drink, or smoke during this period. The purpose of this ~~15~~ 20 minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result.

When the confirmation result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy provided to the tested employee.

In regard to the testing device, it is permissible under this policy to use a test of a law enforcement agency provided the testing device and the operator are certified by the Arkansas Department of Health. If a law enforcement agency performs any BAC tests (breath, blood or otherwise) as part of a criminal investigation of an employee, the results of such test(s) may be used by the City in determining if any policies, procedures, or rules of the City or of the employee's department have been violated. If such BAC test is administered pursuant to a criminal investigation or if criminal charges may be filed against the employee by the law enforcement agency, then the test shall be conducted in

compliance with Ark. Code Ann. §5-65-201, *et seq.* including the giving of an "implied consent warning" prior to the test being administered.

Each department head or supervisor may establish tobacco use policies for his or her departmental employees, so long as they do not conflict with City policy or Order of the Mayor. Tobacco products of any kind, including e-cigarettes, are prohibited in any City owned building, vehicle, and within view of the public.

No additional breaks beyond those allowed under department policy may be taken for the purpose of using tobacco products. Employees may smoke, or use tobacco products, outside, away from building entrances and out of view of the public during breaks.

3.11 **Drug-Free Workplace:**

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

Employees convicted of controlled substances related violations in the workplace must inform the City within five (5) days of such conviction or plea. Employees who violate any aspect of this policy shall be subject to disciplinary action up to and including termination.

3.12 **Drug Testing Policy (Does not apply to employees required to have a commercial driver's license, governed by Appendix A, which is incorporated herein; nor does it apply to civil service employees, 911 dispatchers or the evidence technician within the Police Department, governed by Appendix B, which is incorporated herein; nor does it apply to those positions within the Springdale Street Department, governed by Appendix C, which is incorporated herein):**

No employee of the City of Springdale shall use habit forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician.

Employees involved in any unauthorized use, possession, transfer, sell, manufacture, distribution, purchase, or presence of drugs, or drug paraphernalia, on City property, or who test positive on a drug test as set out in this policy, shall be subject to immediate discharge from employment.

Reasonable Suspicion Testing: Reasonable suspicion is defined as that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while on or off duty. In the event there is reasonable suspicion to believe that an employee's job performance may be impaired by drugs, a supervisor in the employee's department shall question such employee with regard to their behavior. The supervisor should directly observe the employee's behavior and document the behavior. Indications of impaired behavior include, but are not limited to the following: staggering or irregular gait, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment or unusual or abnormal behavior.

When possible a second managerial employee should also observe the employee to verify that there is reasonable suspicion to believe that drug consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his/her duties effectively and safely. The employee shall be relieved of his/her duties and placed on a suspension with pay status until a clear determination can be made as to the abuse or non-abuse of drugs.

If it is concluded that there is reasonable suspicion to believe that an employee governed by this policy is impaired by drugs, a supervisor in the employee's department, the department head, or the Mayor shall have a drug test administered. A summary of the facts supporting this order shall be documented in writing by the supervisor or management official within 24 hours. The test must be conducted within a reasonable time period after the observation of the impaired behavior.

Return to Duty and Follow-Up Drug Testing: If an employee is discharged pursuant to this policy, but is returned to duty by an appeal authority or for any other reason, such employee shall:

* undergo a return to duty drug test with negative test result;

* be evaluated by a substance abuse professional (SAP) to determine that the employee has properly followed any rehabilitation program prescribed under the regulations following the positive drug test;

* be subject to unannounced follow-up drug tests for the first 12 months, which may be extended to 60 months, depending on the evaluation of the SAP.

Drug-Testing Procedures for Policy 3.12:

The testing procedures and safeguards provided in this policy are to ensure the integrity of drug-testing and shall be adhered to by any personnel administering drug test(s).

Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area.

A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.

The room used for the testing area shall be private and secure.

a. Authorized testing personnel shall search the facility before an employee enters it to produce a urine sample, and document that it is free of any foreign substances.

Where the employee refuses to give a sample, testing personnel shall document the circumstances on the drug test report form. Refusal to take a drug test under this policy will result in immediate discharge. Where the employee appears unable to give a urine specimen, the employee shall be permitted no more than three hours to give a sample, during which time he/she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination, but no more than 40 ounces will be given to the employee during the three hour period. Failure to submit a sample shall be considered a refusal to submit to the drug test, and will subject the employee to immediate discharge from employment.

Urine collections are made "split specimen." That is, the urine is divided into two specimen bottles before the testing. If the test result of the primary specimen is positive, the employee, within 48 hours of being notified of the positive test result of the primary specimen, may request the Medical Review Officer (MRO) to send the second (or split) specimen to a different certified laboratory for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels. The costs for testing the split specimen will be paid for by the employee. If the result of the test of the split specimen is "negative", the MRO shall cancel the test and the City shall reimburse the employee for the costs involved in

testing the split (second) specimen.

The department head is required to keep a record in the employee's medical file showing the type of test, date of collection, location of collection, entity performing the collection, name of the lab, name of the MRO, and the test results. For a drug test on a department head covered by this policy, the Mayor is required to keep such records.

Specimen samples shall be sealed, labeled, and checked against the identity of the employee to ensure the results match the tested specimen. Samples shall be stored in a secured atmosphere until tested or delivered to the testing lab representative.

Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel.

Drug Testing Methodology for Policy 3.12:

The testing or processing phase shall consist of a two-step procedure:

a. Initial screening test, and
b. Confirmation tests.

The urine sample is first tested using the initial drug screening procedure. If the result of the initial test is negative, the testing laboratory will advise the employer's Medical Review Officer (MRO) that the drug test for the employee was negative. No additional test on the specimen will be done.

If the result of the initial test is positive, that is if the result exceeds the test levels for any of the five drug classes as hereafter set out for the initial test, a second (confirmation) test is performed. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis. The Medical Review Officer will contact the employee and confer regarding the results to determine if a false positive is possible. If, after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the department head who then must direct the employee to contact the MRO. If, after making all reasonable efforts, the management official is unable to reach the employee, the employer may place the employee on suspension with pay until a determination has been made as to the appropriate course of action to be taken.

The MRO may verify a test as positive without having communicated directly with the employee about the test results under the following circumstances:

* The employee expressly declines the opportunity to discuss the test results;

* The employee does not contact the MRO within 48 hours after having been instructed to do so.

Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug screening test.

Drug	**Initial Test Level (ng/ml)**
Marijuana metabolite	50
Cocaine metabolite	300
Opiate metabolites	300*
Phencyclidine	25
Amphetamines	1000

*25ng/ml if immunoassay specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive on the initial test:

Drug	**Confirmatory Test Level (ng/ml)**
Marijuana metabolite	15 *
Cocaine Metabolite	150 **
Opiates:	
Morphine	300+
Codeine	300+
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500

* Delta-9-tetrahydrocannabinol-9-carboxylic acid
** Benzoylecognine
+ 25ng/ml if immunoassay-specific for free morphine

The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.

If the behavior that led to the initial investigation is not due to substance abuse, but hinders job performance of the employee, the City may require the employee to undergo further medical evaluation. Where appropriate, a signed physician's release may be required by the City before the employee is returned to work. Time lost due to an illness will be charged to sick leave.

All records pertaining to required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought. Drug test results and records shall be stored and retained in compliance with state law.

3.13 **Disciplinary Action (For Non-Civil Service Employees):**

It shall be the policy of the City to administer discipline fairly, reasonably, and impartially. All written disciplinary actions must be authorized beforehand by the Human Resources Director and the Department Head. Human Resources will review the proposed disciplinary action for legal compliance, policy compliance, and consistency with other disciplinary actions in the City pertaining to similar issues. The Department Head will review the proposed disciplinary action from the standpoint of management and maintaining fairness. All disciplinary actions involving suspensions without pay or termination require concurrence of the department head, Human Resources, and the Mayor prior to discipline being administered unless immediate removal from the job site is deemed necessary by the Department Head as outlined in Section F of this policy. Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service. The nature and severity of the offense and the employee's prior record shall be considered.

It is the responsibility of each supervisor and department head to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

Types of disciplinary action may include:

A. Oral Warning -- This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The oral warning should be given in private. Supervisors should inform the employee that the supervisor is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action.

A notation that an oral warning was given should be made in the employee's personnel file and acknowledged in writing by the employee.

B. Written Warning/Reprimand -- This notice will be issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file. Written warning/reprimand notices must be issued within ten (10) days after the occurrence or discovery of the violation claimed by the supervisor.

The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee.

A copy of the written warning/reprimand is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the written warning and acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

C. Suspension Without Pay -- This form of discipline involves the removal of an employee from his or her job without pay for a specific period of time which shall not exceed 30 days. Suspension without pay is administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, a suspension is often given after the employee has received a warning.

D. Administrative Leave -- At the discretion of the Department Head and/or Mayor, an employee of the City may be placed on administrative leave with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be required to complete an investigation or legal action. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense. If the charges are unfounded, the employee will be returned to duty. Administrative leave, also called suspension with pay, is not considered disciplinary action and is not subject to grievance and/or appeal.

E. Demotion -- Demotion is placing the employee in a position of less responsibilities and less pay.

Demotion may be used when the employee is unable or unwilling to perform the responsibilities of that position or as a result of a severe

infraction of policies or for repeated violations. Demotion is not to be used as a substitute for discharge, when discharge is warranted.

F. Discharge/Termination of Employment -- This is the most severe disciplinary penalty of all and should be reserved for the most serious offenses or when previous actions have failed. Immediate removal of an employee from the job site pending review as to discharge/termination of employment may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the department head. An employee may also be discharged after repeated offenses of a less serious nature when appropriate behavioral changes have not resulted from previous disciplinary action.

Any time disciplinary action is taken, the original copy of the disciplinary action is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee.

Disciplinary actions for civil service employees are covered by Springdale Civil Service Rules and Regulations, Chapter 8, Sections 2-8.

3.14 **Repealed** by Resolution No. 156-13 dated October 22, 2013.

3.15 **Whistleblower Policy:**

PURPOSE: The purpose of this Administrative Policy is to:

1. Encourage reporting by City employees of improper governmental action taken by City officers or employees;

2. Protect City employees who have reported improper governmental actions in accordance with City policies and procedures;

3. Act as a safeguard for legitimate employer interests; and
4. Provide for speedy dispute resolution.

STATEMENT OF POLICY: The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local law. Accordingly, employees are encouraged to bring to the attention of the City any improper actions of City officials and employees. The City will not retaliate against any employee who makes such a disclosure in good faith and in accordance with the procedures set forth in this policy.

Improper actions are actions undertaken by an officer or employee in the

performance of his or her official duties which (a) are in violation of any federal, state or local law, (b) constitute an abuse of authority, (c) create a substantial and specific danger to public health or safety, or (d) grossly waste public funds. Improper actions do not include common personnel actions, such as the processing of grievances, and decisions regarding hiring, promotion, or termination.

PROCEDURES:

1. Misconduct can often be corrected most expeditiously if handled internally. Accordingly, an employee who has a good faith concern that improper action has occurred or is about to occur, must first raise that concern with the City. Specifically, the employee must submit his or her concerns and related information ("complaint") in writing to any supervisor within his/her department. In the event that the complaint concerns the supervisor, the complaint shall be submitted to the department head. In the event that the complaint concerns the department head, the complaint shall be submitted to the Mayor. In the event that the complaint concerns the Mayor, the complaint shall be submitted to the City Council. The identity of the reporting employee will be kept confidential to the fullest extent possible under law, unless the reporting employee provides written authorization for disclosure. The employee may report under this policy through an attorney.

2. The party notified pursuant to the previous paragraph shall have ten working days to address the complaint raised by the reporting employee and provide the reporting employee with a written response which identifies the alleged improper action at issue, describes the scope and findings of the investigation, states what, if any, action will be taken against the offender(s) and/or employee(s), and explains why such action is appropriate.

3. If the reporting employee is not satisfied with the investigation and/or resolution by the department, the reporting employee may request the Mayor review the action, unless the Mayor has already received the complaint from the reporting employee. Such an appeal by the reporting employee shall be in writing and should identify the specific elements of the previous investigation or written response which the reporting employee finds unsatisfactory. The Mayor will then have ten working days to address the complaint and provide the reporting employee with a written response which identifies the alleged improper action at issue, describes the scope and findings of the investigation, and states what, if any, action will be taken against the offender(s) and/or employee(s) and which also explains why such action is appropriate. If the reporting employee shall have the right to appeal such action to the City Council.

Notification to the City Council should be made to the chairman of the personnel committee. The City Council shall then have ten working days to address the complaint and provide the reporting employee with a written response as previously set out herein.

4. If a reporting employee is still dissatisfied with the City's investigation after following the procedures set out herein, the reporting employee may disclose the complaint to an outside agency or organization for further review. Reporting employees may disclose complaints to outside age3ncies only after fully exhausting the reporting and appeal procedures set forth in this policy. All reporting employees must strictly follow this policy. Employees who comply with the policy shall not be subject to discipline or discharge for reporting, disclosure, or other activities subject to the policy.

5. Deviation from the reporting and appeal policy is permitted only in those rare cases where the reporting employee can show that persons or property will be injured, damaged, or destroyed if the alleged improper conduct is not immediately addressed.

6. Reporting employees who, after exhausting the internal reporting and reconsideration procedures, choose to continue to pursue their complaints should consider contacting one or more of the following organizations: Office of the Attorney General; Office of the Department of Housing and Urban Development, Attn., Regional Investigator General for Audits; or, the Office of the County Prosecutor.

7. All City personnel are prohibited from taking any adverse employment action against an employee who registers a complaint with a public body in accordance with this policy. If an employee believes there has been retaliation for reporting improper actions in accordance with this policy, the employee should file a grievance.

3.16 **Communications Systems:**

Various "communications" systems may be utilized by or provided for the employees of the City of Springdale. They are for the mutual benefit of the employee and the employer, the City of Springdale. They include both contemporaneous and pre-recorded communications; some of these are:

1. Telephones and tele-facsimile (fax) devices;
2. Electronic mail (e-mail) systems;
3. Voice and video recorders and players;
4. Radio and paging systems;

5. Bulletin boards and other places where documents, paper mail and messages are posted or stored.

Ordinarily, employees should not access communications intended solely for another employee or person unless requested to do so by the intended recipient, or directed to do so by a management representative. All communications must be in English, unless the other party does not understand English.

Communications systems must never be used:

1. To threaten or intimidate another person;
2. To send or receive images that contain nudity, or to send or receive images or words of a prurient or sexually suggestive nature, even if the other party has consented to or requested such material.
3. To send jokes or comments that tend to disparage a person or group because of race, color, ethnic ancestry, natural origin, religion, gender, sexual orientation, marital or parental status, age, verbal accent, source of income, physical appearance or agility, mental or physical disability or occupation.

Classified, confidential, sensitive, proprietary or private information or data must not be disseminated to unauthorized persons or organizations.

When communication systems are used for private us, the department head must first consent to such use and if consent is granted, the employee shall pay any out-of-pocket expenses associated with the employee's private use. For instance, if an employee sends a fax in a non-job related matter, the employee shall pay for the long distance telephone call and any other expenses associated with sending the fax.

Employees are warned that they DO NOT have a reasonable expectation of privacy when using a communications system that is employer authorized or is provided for the mutual benefit of the employee and the City. Management has a right to monitor employee's electronic conversations, to read the employee's messages and to inspect mail or documents sent to the employee or sent by the employee, including the deciphering of encrypted text.

Management representatives may also access, without notice, the following: data or text caches, pager memory banks, e-mail and voice mail boxes or accounts, and other employer-provided electronic storage systems.

3.17 **Workplace Violence Policy:**

It is the City's policy to promote a safe environment for its employees. The City is

committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive within the departments of the City of Springdale, no department is immune.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

In furtherance of this policy, employees have a duty to warn their supervisor(s) if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, former employees, customers, or visitors.

Employees shall not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If this type behavior is observed by any employee, it shall be reported immediately to a supervisor within the department or the Mayor's office. Any City supervisor who receives such a report shall notify the department head immediately, and the department head shall ensure that the incident is properly investigated. Threats or assaults that require immediate attention by police shall be reported first to the Police Department.

Employee reports made pursuant to this policy will be held in confidence, to the maximum extent possible. The City of Springdale will not condone any form of retaliation against any employee for making a report under this policy.

All communications with the press and other news media about a workplace violence incident will be handled by the Mayor's office, in coordination with the City Attorney's office.

3.18 Identity Theft Prevention Program

(a) **Findings.** The Federal Trade Commission ("FTC") requires every creditor to implement an Identity Theft Prevention Program ("ITPP"). The FTC requirement and regulation is necessary because of Section 114 of the Fair and Accurate Credit Transactions Act ("FACT Act"). The FTC has set forth the ITPP requirement in 16 C.F.R. § 681.2. Identity theft is defined as a fraud committed or attempted using identifying information of another person without authority. The City of Springdale ("City") adopts the program set forth in this Section to comply with FTC rules and regulations. In drafting its ITPP, the City has considered:

(1) the methods it provides to open its accounts;
(2) the methods it provides to access its accounts; and
(3) its previous experiences with identity theft.

Based on these considerations, the City Council of the City hereby determines that the City is a low risk entity and as a result develops and implements the streamlined ITPP set forth in this Section.

(b) **Red Flags.** The FTC regulations identify numerous red flags that must be considered in adopting an ITPP. The FTC has defined a red flag as a pattern, practice, or specific activity that indicates the possible existence of identity theft. The City identifies the following red flags from the examples provided in the regulations of the FTC:

(1) Notifications from Consumer Reporting Agencies. The City does not request, receive, obtain or maintain information from any Consumer Reporting Agency.

(2) Suspicious documents. Possible red flags include:

i) presentation of documents appearing to be altered or forged;
ii) presentation of photographs or physical descriptions that are not consistent with the appearance of the applicant or customer;
iii) presentation of other documentation that is not consistent with the information provided when the account was opened or existing customer information;
iv) presentation of information that is not consistent with the account application; or
v) presentation of an application that appears to have been altered, forged, destroyed, or reassembled.

(3) Suspicious personal identifying information. Possible red flags include:

i) personal identifying information is being provided by the customer that is not consistent with other personal identifying information provided by the customer or is not consistent with the customer's account application;
ii) personal identifying information is associated with known fraudulent activity;
iii) the social security number (if required or obtained) is the same as that submitted by another customer;

iv) the telephone number or address is the same as that submitted by another customer;
v) the applicant failed to provide all personal identifying information requested on the application; or
vi) the applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) Unusual use of or suspicious activity related to an account. Possible red flags include:

i) a change of address for an account followed by a request to change the account holder's name;
ii) a change of address for an account followed by a request to add new or additional authorized users or representatives;
iii) an account is not being used in a way that is consistent with prior use (such as late or no payments when the account has been timely in the past);
iv) a new account is used in a manner commonly associated with known patterns of fraudulent activity (such as customer fails to make the first payment or makes the first payment but no subsequent payments);
v) mail sent to the account holder is repeatedly returned as undeliverable;
vi) the City receives notice that a customer is not receiving his paper statements; or
vii) the City receives notice of unauthorized activity on the account.

(5) Notice regarding possible identity theft. Possible red flags include:

i) notice from a customer, an identity theft victim, law enforcement personnel or other reliable sources regarding possible identity theft.

(c) **Proof of Identity.** Any person opening a credit account shall provide a complete application and provide satisfactory evidence of their identity and/or address. Said proof may include but not be limited to: a valid driver's license; passport; state, federal, employer, or school issued identification card; or military identification card. The required application must be completed in its entirety and must be signed in order to establish a credit account.

(d) **Confidentiality of Applications and Account Information.** All personal information, personal identifying information, account applications and

account information collected and maintained by the City shall be a confidential record of the City and shall not be subject to disclosure unless otherwise required by State or Federal Law.

(e) **Access to Account Information.** Access to account information shall be limited to employees that provide customer service and technical support to the City. Any computer that has access to customer account or personal identifying information shall be password protected and all computer screens shall lock after no more than fifteen (15) minutes of inactivity. All paper and non-electronic based account or customer personal identifying information shall be stored and maintained in a locked room or cabinet and access shall only be granted by the Department Head of the department involved or by the Compliance Officer or his/her designee.

(f) **Credit Card Transactions.** In the event any department of the City allows for credit card payments, account statements and receipts shall include only the last four digits of the credit card used for payment of the covered account. This also applies to departments who do not extend credit, but take credit card payments for services provided. All telephone credit card payments shall be processed through a third party service provider which certifies that it has an identity theft prevention program operating and in place.

(g) **Suspicious Transactions.** Suspicious transactions include but are not limited to the presentation of incomplete applications; unsigned applications; payment by someone other than the person named on the account; presentation of inconsistent signatures, addresses or identification.

(h) **Notification of Law Enforcement.** Department Heads of the City shall ensure that any suspicious transaction that occurs within their department will be reported to the Compliance Officer. The Compliance Officer shall use his/her discretion on whether to report suspicious transactions to the Police Department or other appropriate law enforcement agency. The Compliance Officer shall report all known acts of identity theft to the Springdale Police Department or other appropriate law enforcement agency.

(i) **Third Party Service Providers.** All transactions processed through a third party service provider shall be permitted only if the service provider certifies that it has complied with the FTC regulations and has in place a consumer identity theft prevention program.

(j) **Compliance Officer and Training.** The Compliance Officer for this ITPP shall be the Director of Finance and Administration. The Compliance Officer or his/her designee shall conduct training of all city employees that transact business with customers. The Compliance Officer shall periodically review this program and recommend any necessary updates to the City Council.

(k) **Annual Report.** An annual report, as required by FTC regulations, shall be provided by the Compliance Officer to the Mayor, who shall forward such report on to the City Council. The contents of the annual report shall address and/or evaluate at least the following:

(1) the effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of accounts and with respect to access to existing accounts;
(2) service provider arrangements;
(3) incidents involving identity theft with accounts and the City's response;
(4) changes in methods of identity theft and the prevention of identity theft; and
(5) recommendations for changes to the City's ITPP.

Part 4.

Employee Compensation

PART 4. EMPLOYEE COMPENSATION

4.1 **Salary:**

The City of Springdale assigns each regular full-time position a class title and a pay grade. The City of Springdale's current salary compensation schedules are contained as Appendix D and Appendix D-2 to this Personnel Policies and Procedures Manual. Salary is determined by the employee pay grade, as well the employee's step on the Salary Plan. When the City's salary compensation plan is changed, the amended salary compensation schedules shall become Appendix D and Appendix D-2 and placed in the Personnel Manual.

4.2 **Salary Plan:**

The Mayor's office shall be responsible for the continuance, maintenance, and administration of the City's Salary Plan. The Mayor's office will conduct an annual review during budget preparation, and such review will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost of living factors, budgetary considerations, and other related factors. On the basis of this information, the Mayor's office shall recommend to the City Council changes to keep the plan current, uniform, and equitable. Recommendations are usually submitted to the City Council during the consideration of the annual budget, but recommendations can be made at any time.

4.3 **Date of Hire/Anniversary Date:**

Definitions:

Date of Hire -- The effective date of the individual's employment with the City;

Anniversary Date -- The date the employee began his/her employment in the most recent position.

These definitions are for compensation purposes only and are not applicable to retirement benefits or any other benefits except salary compensation.

A regular employee who is promoted, demoted, or transferred will have his/her anniversary date changed to the effective date of the promotion, demotion, or transfer. An employee returning from a leave of absence without pay will have his/her anniversary date extended by the same length of time the employee was

on leave without pay.

An employee reinstated to the same position or a position in the same class following layoff from the City will have his/her anniversary period extended by the same length of time as the duration of the layoff.

There will be no change in the employee's anniversary date in the instance of reallocation of an employee's position to a new classification title when there have been no recent, abrupt, and/or significant changes in assigned tasks and responsibilities.

4.4 **Pay Increases Based on Performance:**

Pay increases (step increases) on the City's Salary Plan are to be awarded on the basis of performance as determined by the department head. In no case shall pay increases be considered automatic.

Increases will be considered each year for all personnel going from Steps 1 to 2, 2 to 3, 3 to 4, 4 to 5, etc. All increases are based strictly on job performance. Any such increase will be effective on the date set by the City Council. Each department head will be responsible for determining levels of performance for his or her personnel which are worthy of increase. These decisions shall be documented by use of the City's performance appraisal system. It is expected that department heads will design performance standards for any given grade in a manner that will ensure that standards increase as tenure increases.

Naturally, all increases set out in this policy, as well as all other compensation policies of the City, are contingent on sufficient funds being available to meet all of the City's obligations. However, using the plan, the department heads will be able to determine salary needs at the beginning of their budget process, which should enable them to accurately determine needed appropriations for each fiscal year.

Department heads do have a grade and step on the City's pay plan. The Mayor shall recommend any increase, decrease, bonus, or take no action on a department head's salary each year. Such recommendation by the Mayor will be forwarded to the Council for their approval.

4.5 **Step Increases Authorized by the Mayor:**

The department head, upon approval of the Mayor, is authorized to move an employee to one greater step without the approval of the City Council, provided that sufficient monies have been budgeted in that employee's department. This

step is in addition to the step increase that the employee is entitled to as set out in the previous policy (4.4).

4.6 **Grade Increases Authorized by the Mayor:**

The Mayor is authorized to move an employee's position up one grade or down one grade without approval of the City Council; any such move further than one grade shall require approval by the City Council.

4.7 **Cost of Living Increases:**

The City Council may, if the funds are available, choose to grant cost of living increases to City employees. When those increases are granted, they will not be dependent on the criteria set out for a step increase, but will be granted to all personnel without restriction. If the Salary Plan is changed to reflect the cost of living increases, a resolution will be passed by the City Council reflecting the amended Salary Plan, and the current Salary Plan shall be contained as Appendix D to this Policies and Procedures Manual. Usually, cost of living increases are considered by the City Council during the budget process.

4.8 **Compensatory Time/Overtime:**

The purpose of this subsection is to establish policy guidelines for the recording, utilization, and auditing of overtime and compensatory time performed by employees of the City.

4.8(a) FLSA-Rate of Pay. This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work period, excluding exempted positions.

4.8(b) FLSA-Compensatory Time. Under the provisions of the FLSA, compensatory time may be as agreed upon by the employer and the individual employee at the request of the employee, but may not be imposed by the employer in lieu of overtime pay upon any non-exempt employee who has not so requested such compensating time off.

4.8(c) The City's responsibility for payment of overtime and the granting of compensatory time is as follows:

1. The City is not obligated by statute to grant all employee requests for compensatory time off instead of overtime pay.

2. The City is required to compensate overtime at the rate of one and one-half for hours worked in excess of the number of hours allowed per work week, or work period, as designated under the Fair Labor Standards Act.

3. Upon request of the employee, the City may grant compensatory time off in lieu of overtime at its discretion at the rate of one and one-half hour for each overtime hour.

4. Employees, who are allowed to take compensatory time in lieu of overtime, must do so before receiving their next merit increase, promotion or any other salary increase. If the compensatory time is not taken by the time the employee receives a merit increase, or by the time the employee receives a promotion, the City shall pay the employee for all overtime owed. Further, no merit increase or promotion shall be effective until the employee is paid for all compensatory time. Employees who are granted compensatory time are therefore encouraged to take the compensatory time off before receiving a merit increase, promotion or any other salary increase.

4.8(d) Definitions:

1. Overtime: Overtime shall be defined as all work performed in excess of the hours permitted under the FLSA.

   Overtime shall be paid at a rate of one and one-half times the employee's straight time hourly rate.

2. Employee: In the context of this policy, the term employee refers to those employees of the City of Springdale, Arkansas, who are eligible for overtime compensation based on the FLSA.

3. Employer: The term employer refers to supervisory personnel with the authority to authorize the use of overtime.

4.8(e) Responsibilities:

A. Department Heads:

1. It shall be the responsibility of each department head to equitably administer the provisions of this policy within their respective departments.

2. Department heads are the authorized authority for the approval of overtime requests. It shall be the responsibility of the department head to determine whether overtime or compensatory time be granted to the employee when compensatory time is requested in lieu of overtime.

3. Department heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time card as it occurs.

4. Department heads will exercise extreme discretion in the utilization of overtime within their departments.

B. Individual Employee: It is the responsibility of the individual employee to request compensatory time in lieu of overtime if so desired. Additionally, it is the responsibility of the employee to ensure that accrued compensatory time is used within the time limitation set forth by this policy.

C. Payroll Administrator:

1. The payroll administrator shall ensure that a permanent record of overtime/ compensatory time accrued and used is kept on all employees based on information provided by department heads, and that the proper financial transactions are completed at the end of each pay period.

2. Upon leaving City employment, the payroll administrator shall ensure that eligible employees are given credit for all overtime accrued and all unused compensatory time within the limitations established by this policy.

4.8(f) Limitations:

This policy shall not apply to executive, professional, administrative, and all other employees who are exempt from FLSA.

4.9 **Holiday Pay for Police Officers, Firefighters and Radio Operators:**

All sworn police officers and firefighters shall be compensated for legal holidays established by the City of Springdale, and this compensation, effective January 1, 1998, will be paid in one lump sum on December 15th. For purposes of payment of overtime under the new base pay rate, May 1 shall be the date used as the effective date of this policy. The holiday pay shall be computed on the base pay of the sworn police officer or firefighter in effect as of December 15th; the hourly rate will be determined as follows: police officers and 40 hour work week firefighters - 2,080 standard hours; and 24 hour shift firefighters - 2,920 standard hours; after the hourly rate is computed, it will be multiplied by 88 hours (11 days) to determine holiday compensation. Reference: A.C.A. §14-52-105 and A.C.A. §14-53-106. Radio operators will also be compensated for holiday pay at their regular rate of pay, and this additional compensation will be paid semi-annually.

For police officers, firefighters, and radio operators who are hired or terminated during the year, holiday pay will be pro-rated based upon the holidays which were within the time period of employment.

4.10 **Additional Compensation for Certain Employees:**

In addition to regular pay, including any holiday compensation, certified full-time paramedics of the Springdale Fire Department shall receive an additional salary compensation, to be determined by the City Council. Those full-time firefighters who are members of HAZMAT shall receive additional compensation in an amount to be determined by the City Council.

Police officers who have attained any certificate, except the Basic Certificate, under the Arkansas Commission on Law Enforcement Standards, shall receive an additional compensation each month for each certificate earned above the "Basic Certificate," and said compensation amount shall be set by the City Council.

Animal Control Officers, employees of the Information Technology Department, employees of the Public Works Signalization Division, and designated employees of the Police Department shall receive additional

compensation of $15.00 per day when required to be “On-Call” after normal work hours. The designated employees of the Police Department entitled to "On-Call" compensation shall be: 1) Criminal Investigation Division Sergeant; 2) Criminal Investigation Division Detective; 3) In-House Narcotics Detective; 4) Drug Enforcement Agency Detective; and 5) 4th Judicial Drug Task Force Detective.

All additional pay set out in this policy is paid bi-weekly, and such compensation is set out on the employee's paycheck.

4.11 **Overtime Compensation Under FLSA:**

Overtime is defined in Policy No. 4.8(d), and overtime shall be paid for all work performed in excess of the hours permitted under the FLSA. The work periods applicable to all employees of the City of Springdale are set out in Policy No. 2.12, and the compensation for the work periods shall be as follows:

1. **24 Hour Shift Firefighters** -- Such non-exempt employees shall receive 1.5 times their regular rate of pay for each hour worked in excess of 159 hours per 21 day work period.

2. **Non-24 Hour Shift Firefighters** -- Such non-exempt employees shall receive 1.5 times their regular rate of pay for each hour worked in excess of 53 hours per seven day work period.

3. **Police Officers** -- Police officers shall be compensated at the rate of 1.5 times their regular rate of pay for any hour worked in excess of 86 hours per 14 day work period.

5. **Other Non-Exempt Employees** -- Other non-exempt employees of the City, not listed in No. 1, 2 and 3, shall be on a 40 hour work week and shall be compensated at the rate of 1.5 times the regular rate of pay for any hour worked in excess of 40 hours per work week.

THOSE EMPLOYEES LISTED UNDER CATEGORIES NUMBER 1, 2, AND 3 ARE COMPENSATED PURSUANT TO THE 207-K EXEMPTION OF THE FAIR LABOR STANDARDS ACT APPLICABLE TO LAW ENFORCEMENT AND FIRE FIGHTING PERSONNEL. HOWEVER, CHIEF, ASSISTANT CHIEF AND CAPTAINS IN THE POLICE DEPARTMENT AND CHIEF, ASSISTANT CHIEF AND DIVISION CHIEF IN THE FIRE DEPARTMENT ARE EXEMPT FROM ALL OVERTIME COMPENSATION UNDER THE FLSA.

4.12 **Additional Overtime Compensation for Police Officers and Firefighters:**

In the event any sworn full-time firefighter of the Springdale Fire Department, except Chief or Assistant Chiefs, is required by the department to work for any authorized reason while off-duty, including having to attend off-duty training or having to respond to an authorized emergency, such firefighter shall be compensated for all such time at the rate of 1.5 times his or her regular rate of pay regardless of the amount of hours the firefighter has worked during the pay period.

In the event any sworn full-time police officer of the Springdale Police Department, except Chief, Assistant Chief, or Captains, is required by the Department to work for any authorized reason while off-duty, including having to attend off-duty training or having to testify in court, or having to respond to an authorized emergency, such police officer shall be compensated for all such time at the rate of 1.5 times his or her regular rate of pay regardless of the amount of hours the police officer has worked during the pay period.
In the event any firefighter or police officer desires to take compensation time instead of pay, then Policy 4.8 applies, but whether or not such employee will be allowed to take compensation time instead of pay is to be determined by the department head (pursuant to Policy 4.8).

4.13 **Sick Leave Bonus**:

For the purposes of this policy, the following definitions shall apply:

ELIGIBLE EMPLOYEE: An eligible employee, for purposes of this policy, is an employee who has attained their maximum accrual of sick leave (90 days) on December 1 of the **Year** as defined herein, and has missed five days or less in the YEAR as defined herein.

YEAR: A year, for purposes of this policy, shall run from December 1, through November 30 of the following year.

DAY: A day, for purposes of compensation under this policy, shall be eight hours of pay, regardless of the department in which the employee works. Forty (40) hours of pay is the maximum amount any employee can be paid for a sick leave bonus. A day, for purposes of computing missed time (sick leave), is also eight hours, except for 24 hour shift firefighters. For computing time missed (sick leave) for 24 hour shift firefighters under this policy, two 24 hour shifts (48 hours) equals five days and one 24 hour shift equals 2.5 days.

When a City employee is an **Eligible Employee**, such employee shall be paid a sick leave bonus for the **Year** at the rate of one-fourth of the employee's regular rate of pay per **Day** for each day of sick leave in the year that the employee would have earned had he/she not reached the maximum accrual of sick time. By way of example, if an employee (not a 24 hour shift firefighter) is an **Eligible Employee**, and then is sick for two days in the **year**, then the employee shall be paid a sick leave bonus for 36 hours at the regular hourly rate of pay (20 minus 2 equals 18 divided by 4 equals 4.5 times 8 hours equals 36 hours times the employee's hourly rate equals the sick leave bonus). An example for a 24 hour shift firefighter who is an **Eligible Employee** and misses two 24 hour shifts will be as follows: 20 minus 5 equals 15 divided by 4 equals 3.75 times 8 hours pay at the employee's regular hourly rate of pay equals sick leave bonus.
The sick leave bonus shall be paid on December 15.

The first **Year** under this amended policy shall begin on December 1, 2000, and end on November 30, 2001, with any compensation due under the amended policy to be paid on December 15, 2001.

4.14 **Promotions:**

Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will usually enter the new grade/position at the entry level of the new position. In the event the entry level step of the new or upgraded position does not provide a salary increase, the employee will receive a salary increase as determined by the department head in consultation with the Mayor. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range. Promotions do not change the employee's date of hire.

4.15 **Demotions:**

An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, department reorganizations, etc.) will receive a cut in pay commensurate with the nature of the demotion as determined by the department head in consultation with the Mayor. Demotions do not change the employee's date of hire. However, the anniversary date for future salary increases changes. Employees in position classifications which are downgraded in salary to reflect changes in marketing conditions will retain their existing anniversary date for future step increases.

4.16 **<u>Transfers</u> (Only applies to Non-Civil Service Positions):**

The salary offered to an employee who transfers from one non-civil service job in one department to a non-civil service job in another department should be consistent with the salary requirements of the new position. Thus, an employee who meets only the minimum requirements for the position will normally be started at the bottom of the salary range (Step A) regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills, knowledge and abilities. The Mayor, after consultation with the department head, shall decide the step and grade to be paid to the transferred employee, pursuant to the considerations set out herein.

Transfer does not change a person's date of hire, however, the anniversary date for future step increases will be revised to coincide with the transfer date.

When an employee retires, and then takes another job in a department within the City, this is not considered a transfer.

4.17 **<u>Reclassification</u>:**

When a new position is requested by a department head or the duties of an old position are substantially changed, the department head shall submit a written recommendation to the Mayor's office, including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e., experience, education, certifications, etc.). The request will be reviewed by the Mayor, and if such request is justified by the Mayor, the budget impact will be determined. If it is a new position, not previously budgeted for, then any recommendation on the position will be presented to the Finance/Personnel Committee by the Mayor for their approval. If this is an old position that is being substantially changed, the Mayor is authorized to make a step increase or decrease or a grade increase or decrease, without approval of the Finance/Personnel Committee. If, however, the reclassification is for more than one grade or more than one step, the matter should be presented to the Finance/Personnel Committee for their approval.

4.18 **<u>Working Out of Classification as Department Head</u>:**

In the event there is a vacancy in the department head position of any department within the City, and it is necessary to appoint a temporary department head until an appointment can be made, the Mayor shall have the authority to appoint a temporary department head from within the City service

(usually from within the same department). During the time that such employee is in the temporary assignment of department head, the Mayor shall be authorized to pay the employee for the temporary duties being performed in the department head position. This policy is not applicable to situations in which a department head is on vacation, or other short time period of leave, but is only applicable to a situation in which the department head position is vacant for an extended period of time where a need exists to fulfill the duties and responsibilities of the vacant department head position. An extended period of time is generally considered as an assumption of duties and responsibilities for the department head position that will last in excess of 30 days. The Mayor should usually authorize the working out of compensation pay for the acting department head prior to the assumption of the higher classification responsibilities, when possible. In the event the Mayor approves a temporary higher pay for the employee working in the temporary position as department head, the Mayor shall decide on the step within the higher pay grade. Such determination shall be made by the Mayor based upon the skills, knowledge, abilities and experience of the employee appointed to fulfill the duties and responsibilities of the vacant department head position.

When the temporary assignment is completed, the employee's salary will be readjusted to the employee's level, except that any additional compensation that the employee would have received if the employee had remained in that position (such as a step increase) will be added to the employee's compensation. The employee's date of hire and the anniversary date will remain unchanged throughout the assignment to the temporary department head position.

4.19 **Garnishment:**

Any notice of garnishment will be received and signed for by the payroll administrator, or in the absence of the payroll administrator, by the City Clerk. The employee will be notified through the department head that the garnishment has been processed. A copy of the garnishment shall be provided to the employee upon request, if the employee has not already received a copy of such garnishment. Any department head or other employee receiving a garnishment through the mail shall immediately forward such garnishment to the payroll administrator.

4.20 **Payroll Deductions:**

The following deductions are required by law from each employee's paycheck:

1. Federal income tax withholding;
2. State income tax withholding;

3. Social Security (except for Firefighters);
4. Retirement contributions (electing and/or eligible employees only);
5. Deductions authorized by law, such as garnishments;

Additional deductions which are optional and may be requested by the employee include:

1. United Way contributions;
2. Payment to UARK Credit Union;
3. Payment of health insurance premiums under the City of Springdale's health insurance benefits program. (Required if the employee elects to have insurance coverage through the City plan.)

With each paycheck, the City employee receives a statement of earnings and deductions which itemizes the various deductions made, as well as appropriate cumulative totals.
It is the employee's responsibility to maintain current payroll deduction information with the Payroll Administrator.

Employees wishing to add or change their payroll deductions should contact the Payroll Administrator.

4.21 **Pay Periods:**

Effective January 1, 2000, employees will be paid bi-weekly, but until the transition is made, will not start receiving a check every other Friday until March 17, 2000.

If a pay day falls on a holiday, the day of pay shall be the last working day preceding the normal pay day.

Checks are distributed by the payroll administrator to each department by noon on pay day. Employees receive, with each paycheck, a statement of earnings and an itemized statement of all deductions.

4.22 **Time Sheets/Preparation of Payroll:**

Time sheets are to be completed by all employees. The time sheet shall include:

1. Employee name;
2. Department;
3. Pay period;
4. Hours to be compensated broken down on a daily basis into hours

worked, including overtime hours;

5. Holiday time;
6. Sick leave;
7. Compensatory time;
8. Vacation; and
9. Leave without pay, etc.;

These sheets shall be verified by the employee's supervisor and/or department head.

Changes in rate, position and status shall be supported by a personnel action form and showing recommendation by the department head, with approval of the Mayor and personnel officer. No salary change shall be implemented without written approval of the Mayor, or the Mayor's designate, (approval should be on the City's personnel action form).

Payroll records shall be maintained by the City for a minimum of seven years.

Falsification of time records for payroll purposes is reason for discipline of the employee.

Employees may direct inquiries concerning payroll matters to the Payroll Administrator, City Clerk's Office, 201 N. Spring Street, Springdale, Arkansas 72764.

4.23 **Bilingual Incentive Pay**

(a) Purpose:
The purpose of this policy is to provide guidelines governing language pay incentive for employees of the City of Springdale whose job requires them to have contact with the public where the use of bilingual skills are necessary to successfully serve the public and perform assigned tasks.

(b) Policy:
Whenever possible, employees should use the English language when conducting City business. However, bilingual speaking language skills are an essential element to establishing good service and providing meaningful access to, or an understanding of important rights, obligations and services, which are available to community members. The Police Department will utilize a bilingual incentive program to ensure services are assessable to non-English speaking individuals.

(c) Responsibility:
The Department Heads shall be responsible for identifying positions and or persons within their department that may qualify for bilingual pay incentive. Department Heads may decline an employee's request for bilingual incentive compensation if the position is one with little public contact where the bilingual skills would be utilized less than 10% of their regular tour of duty.

(d) Procedure:
Incentive pay for demonstrated skills will be considered on a case by case basis for those employees who meet the criteria. Full-time employees who are deemed qualified by their Department Head will receive $100.00 per month in incentive pay.

(1) To be eligible the employee must meet the following criteria:

a. The employee must have skills in a foreign language.
b. The language skill must be beneficial in the performance of the position duties and have a positive impact on their department's delivery of services.
c. The employee's position must be one where the public contact is frequent enough to benefit from a non-English language skill.
d. The normal work assignment of the eligible employee is such that they are reasonably available to others who need assistance to translate from English to another language when requested to do so.
e. The employee must be able to communicate proficiently in English.

(2) Eligible employees should notify their department head in writing of their desire to receive the language incentive pay.

(3) The Department Head will be responsible for preparing and submitting all necessary Personnel Status Change forms to the Finance Department.

(5) If an employee receiving bilingual incentive pay is re-assigned to a position where such skill will not be used or the functions of the position do not meet the qualifying criteria, the incentive pay will be discontinued by the Department Head.

Part 5.

Employee Benefit/Leave Policies

PART 5. EMPLOYEE BENEFIT/LEAVE POLICIES

5.1 **Employee Health Benefits:**

The City of Springdale provides a group health plan for all regular employees who work an average of 30 hours or more per week. The City pays the majority portion of the health plan. Detailed information of the policy and coverage is provided to each employee when the employee is hired. Additional information may be obtained from the Human Resources Department. Subject to the terms of the health plan provider, employees who retire from City employment may elect to be covered under the City's health plan up to age 65 by reimbursing the City the full cost of the premium.

5.2 **Continuance of Medical Coverage (COBRA):**

1. Medical coverage for the employee and/or dependents under the current plan may cease as a result of one of the following events:

    A. Termination of employment or the reduction of hours of employment;
    B. The death of the employee;
    C. Divorce or legal separation; and
    D. Marriage of dependent child or upon attaining the age of 19 (23 if full-time student).

2. For those employees or dependents who lose coverage as outlined above, the law requires that the employee be afforded the opportunity to maintain continuation coverage for three years unless the employee lost group health coverage because of a termination of employment or reduction in hours of employment. In that case, the required continuation coverage period is 18 months. Coverage may continue provided that the premium be paid in full each month and any administrative fee (up to 2%) that may be imposed.

3. Election.

    A. If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

    B. If an employee elects to continue group medical coverage, the employee or eligible spouse or dependent is responsible for paying the entire cost (both employer and employee share). This cost will

be subject to periodic rate changes. Employees are not required to show that they are insurable (by taking a medical exam) to continue the coverage. The current monthly cost, including options, is specified on the attached summary of rate.

C. Continued coverage may be terminated earlier than the 18 or 36 month period if group medical plans for all other employees are terminated, or if the employee or eligible spouse or dependent:

1. fails to remit the required monthly payments within 31 days of the due date;
2. becomes eligible under any other group medical plan;
3. a covered spouse remarries and becomes eligible to be covered under a group medical plan;
4. becomes eligible for Medicare.

4. Acknowledgement and Notification. A mandatory certificate of Notice of Continuation Coverage must be signed by all covered persons and returned to employer at the time of enrollment in the health fund.

5.3 **Credit Union:**

The City of Springdale participates in the UARK Federal Credit Union. The City will allow any employee participating in the UARK Federal Credit Union to deduct an amount of money designated by the employee to be paid directly to the UARK Federal Credit Union. Information on joining the credit union can be obtained from the payroll administrator in the City Clerk's office.

5.4 **Retirement Plans:**

The City of Springdale maintains contributory retirement plans for eligible non-civil service employees. Enrollment and participation is mandatory on the part of the eligible employee. Both the employee and the City will make regular funding contributions pursuant to the plan. Participation in the City's retirement plan is subject to the terms, conditions, and eligibility requirements set forth in the plan and trust documents.

The City of Springdale also maintains a deferred compensation plan for eligible employees. Enrollment and participation is voluntary on the part of an eligible employee. Participation in the City's deferred compensation plan is subject to the terms, conditions, and eligibility requirements set forth in the plan and trust documents.
Civil service and fire employees hired after January 1, 1983 are required to

participate in the State of Arkansas Local Police and Fire Retirement (LOPFI).

5.5 **Paid Holidays:**

The City of Springdale establishes the following as legal holidays:

Holiday	Date
New Year's Day	January 1
George Washington's Birthday or President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
The Day after Thanksgiving Day	
Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	

An employee's birthday can be taken any time during the calendar year.

The Mayor is empowered to proclaim other holidays. When a holiday occurs on Saturday, it will be observed on the preceding work day. When a holiday occurs on Sunday, it will be observed on the next work day.

For non-civil service employees who are required to work on a legal holiday, such employee shall receive another day off in lieu of the holiday in which the employee worked, but such holiday must be taken within one calendar year. Non-civil service employees shall only work on holidays when authorized by the department head.

5.6 **Social Security:**

All employees are automatically included as participants in the Social Security system (FICA), except no firefighters pay Social Security, but firefighters hired on or after January 1, 1983 pay Medicare. Under Social Security law, workers are provided with the following benefits:

1. Retirement insurance
2. Survivor's insurance
3. Disability insurance
4. Medicare for the disabled and the aged

5. Black lung benefits, and
6. Supplemental security income.

These benefits are in addition to any other benefits the employee may be eligible to receive.

Financing of the program is accomplished by employee payroll deduction contributions and through a match paid by the City. The exact percentage to be contributed is determined by the employee's classification. Employee contributions for all except the Medicare portion of Social Security stop each year once the employee has paid the required percentage as designated by the Federal government. The salary limit and percentage are subject to change at the beginning of each year according to Federal guidelines.

5.7 **Unemployment Compensation:**

The City of Springdale is a covered employer under the Unemployment Compensation Law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment. The program is financed completely by the City.

An employee who quits his/her job voluntarily, without good cause, probably will have difficulty collecting unemployment compensation. To be eligible for unemployment compensation, a voluntary quit must have left employment for a "good cause" reason, must be unemployed, physically able to work, available for work, and actively seeking work. "Good cause" reason or reasons for establishing eligibility for unemployment compensation are available from the State Employment Security Office.

The City may contest the claim of an employee who quits without "good cause" or who quits or is discharged for other reasons considered disqualifying according to law.

An individual who applies for unemployment compensation benefits completes a form titled "Notice to Last Employer" on which are stated reasons for leaving the job. That form, sometimes submitted by various State Employment Security Offices to department heads, should be forwarded to the Mayor's office immediately upon receipt of same so it can be reviewed. The Mayor's office, after consultation with the department head, shall contest the claim, take part in the interview process, or acknowledge the claim as valid.

In certain cases, the City may offer the former employee reinstatement to the same or to a similar position, which in effect would invalidate a benefit claim. In other cases, the City may decide not to contest a claim.

5.8 **Workers Compensation:**

All employees of the City are covered under the Arkansas State Workers Compensation law. Any employee incurring an "on the job" injury should immediately notify his/her supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers Compensation have been posted on the department bulletin boards. Financing for this program is funded by the City.

Hours lost due to a work related injury or an occupational illness should be reported on the employee time sheet as "disability" and such hours shall be charged as injury leave, subject to the time limit provisions of Policy 5.11. If, however, it is determined that the injury is not a work related injury or an occupational illness, such hours lost shall be charged against the employee's accrued sick leave or other compensated leave time available. The employee will be compensated as authorized by the provisions of Policy 5.11. All employees are required to notify the department head, who is required to notify the Payroll Administrator as soon as temporary total disability benefits are being received by an employee.

5.9 **Vacations:**

5.9(a) Police Department. The Chief of the Police Department shall arrange that each full-time civil service employee shall be granted an annual vacation of not less than 15 working days with full pay. (A.C.A. §14-52-106)

All full-time civil service employees of the Police Department shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service, until the employee has completed 11 years of service, at which time vacation will be governed by the vacation accrual rate contained in Policy 5.9(d).

5.9(b) Fire Department. The Chief of the Fire Department shall so arrange that each full-time civil service employee shall be granted an annual vacation of not less than 15 days with full pay. (A.C.A. §14-53-107)

All full-time civil service employees of the Fire Department shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service, until the employee has completed 11 years of service, at which time vacation will be

governed by the vacation accrual rate contained in Policy 5.9(d).

Under this policy, for 24 hour shift firefighters, 15 working days shall be seven 24 hour shifts. By way of example, if a 24 hour shift firefighter is entitled to 15 days vacation, then such 24 hour shift firefighter shall receive seven shifts as vacation.

5.9(c) Non-Civil Service Employees in All Departments. Non-civil service employees in all departments of the City shall accumulate vacation leave 10 working days per year for the first year of employment with the City. This accumulates at the rate of .833 days per month. Accrual of the vacation time starts on the date of regular full-time employment.

After the completion of one year and until the completion of 11 years of full-time service with the City of Springdale, non-civil service employees shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service (15 working days per year).

5.9(d) All Employees of the City of Springdale Who Have Completed 11 Years of Full-Time Working Service: At the beginning of the 12th year of regular full-time City employment, the City employee's vacation will begin to accrue at the rate of four working weeks per year. However, as previously set out in this policy, for 24 hour shift firefighters, four weeks shall mean ten 24 hour shifts.

After the City employee has completed regular full-time employment of 20 years, the employee shall receive five working weeks of vacation per year, which will begin to accrue at the start of the employee's 21st year of regular full-time City employment. For 24 hour shift firefighters, this five weeks shall mean twelve 24 hour shifts.

Employees who are assigned to a full-time position but due to budget restraints work less than 40 hours per week will have their applicable vacation accrual rate adjusted to equate to the percentage of the pay period they actually work.

5.9(e) Accrued Vacation Time: Any regular full-time employee of the City of Springdale may carry over 30 working days of vacation. In addition, any regular full-time employee may carry over one year's accrued vacation at the rate accrued for the prior year. Accumulated unused vacation time in excess of the carryover limit will be forfeited on the employee's anniversary date. For 24-hour

shift firefighters, 30 working days is equivalent to fifteen 24-hour shifts. However, 30 working days (or fifteen 24-hour shifts, in the case of 24-hour shift firefighters) is the maximum amount for which an employee may be paid upon leaving City employment. Any employee who retires upon 20 years of service shall be paid for all accrued vacation (which shall not exceed 30 days plus one year's accrued vacation). Vacation time accrues from anniversary date.

5.9(f) General: On all vacations, any employee of the City of Springdale shall obtain permission from their department head at least two weeks in advance of being absent for vacation time or with less notice if approved by the department head. The amount of personnel off at one time will be governed by the department head based on departmental work loads.

If an employee retires from a position within the City of Springdale, Arkansas, and then is hired for a different position within the City of Springdale (as opposed to a transfer) then the employee shall start earning vacation as if they were a new employee. However, if it is simply a transfer from one non-civil service position within the City to another non-civil service position within the City, for purposes of vacation accrual, it will be as if the employee never transferred. For purposes of this policy, retires or retirement means the non-civil service employee is leaving their job and:

(1) The employee has completed 10 years of full-time service with the City and has attained the age of 62; or
(2) The employee has completed 20 years of full-time service with the City.

For purposes of this policy, retirement means the civil service employee is leaving his/her full-time position with the City of Springdale, Arkansas, and:

(1) The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
(2) The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension.
(3) The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement).

5.10 **Sick Leave:**

5.10(a) Police Department. Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of 20 working days per year beginning upon the date of employment. If, unused, sick leave shall accumulate to a maximum of 90 days.

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

If, upon retirement or death, whichever occurs first, any law enforcement officer has any unused accumulated sick leave, he/she or his/her beneficiary shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death, but payment for unused sick leave in the case of a law enforcement officer upon retirement or death, shall not exceed 60 days' salary.

For purposes of this policy, retirement means the law enforcement officer is leaving their full-time position with the City of Springdale, Arkansas, and:

(1) The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
(2) The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension.
(3) The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement)

Reference: A.C.A. §14-52-107

5.10(b) Fire Department. Firefighters shall accumulate sick leave at the rate of 20 working days per year beginning at the date of employment. If, unused, sick leave days shall accumulate to a maximum of 90 days.

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

If, upon retirement or death, whichever occurs first, any firefighter has any unused accumulated sick leave, he/she or his/her beneficiary shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death, but payment for unused sick leave in the case of a firefighter upon retirement or death shall not exceed three months' salary.

For purposes of this policy, retirement means the firefighter is leaving their full-time position with the City of Springdale, Arkansas, and:

(1) The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
(2) The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension.
(3) The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement).

Reference: A.C.A. §14-53-108

5.10(c) Non-Civil Service Employees. The City of Springdale recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Springdale provides paid sick leave to regular full-time employees. Eligible employees accrue sick leave at the rate of one and two-thirds (1 2/3) working days per month (20 total days per year).

Any sick leave days accumulated which are not used in any calendar year may be carried over as accumulated sick leave days up to a maximum of 90 working days.

Non-civil service employees, upon retirement or death, whichever occurs first, shall be paid a maximum of 60 days for unused accumulated sick leave.

For purposes of this policy, retirement means the employee is leaving their position with the City of Springdale and:

1. The employee has completed 10 years of full-time service to the City in a non-civil service position and has attained the age of 62 years; or
2. The employee has completed at least 20 years of full-time service to the City in a non-civil service position; or

3. The employee is retiring under a disability through a City sponsored pension plan (also called medical retirement).

Employees who are assigned to a full-time position but due to budget restraints work less than 40 hours per week will have their applicable sick leave accrual rate adjusted to equate to the percentage of the pay period they actually work.

5.10(d) All employees may be eligible for sick leave days for the following reasons:

(1) Personal illness or physical incapacity
(2) Quarantine of an employee by a physician or health officer
(3) Illness in the immediate family (spouse, child, parent, or sibling) which would require the employee to take care of the family member(s).
(4) Medical, dental, and optical visits for employees or for dependent family members of the employee.

Any other reason not set out in 1 through 4 must be approved in writing by the Mayor.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his/her absence to the employee's supervisor or someone acting for the employee's supervisor before the time the employee is expected to report for work, if possible.

Employees who are absent more than 3 consecutive days due to unconfirmed illness may be required by the supervisor or department head to submit a physician's statement. A department head may also require the employee to submit a physician's statement when the employee has taken more than 6 calendar days of sick leave during any calendar year.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in one-quarter hour (15 minute) intervals (as provided for in Section 2.19). An employee who uses all of his or her accrued sick leave days and is still off for sick leave, shall thereafter be placed on a leave without pay status, after all paid benefits are exhausted. It is the responsibility of the employee's supervisor to send any employee home who reports for work while sick, and because of such sickness cannot adequately perform their job. It is also the responsibility of the supervisor to send an employee home during

any work day in which the employee becomes sick and is unable to adequately perform his/her job responsibilities.

5.10(e) **Donations:** In the event an employee exhausts all paid leave, their supervisor may request donated vacation time for the catastrophic illness or injury of the employee, or an immediately family member as defined by this policy to the Human Resources Director. The request for donations may be approved, modified, or denied on a case by case basis within the guidelines of State and Federal law.

5.11 **Injury Leave:**

In the event an employee is unable to work due to a work-incurred injury or illness compensable under the Arkansas Workers' Compensation Act, the City will continue to pay the employee 100% of their regular pay for up to seven (7) calendar days following the date of injury, provided a medical certificate is furnished to the City certifying the employee is unable to perform their assigned duties.

If the disability extends beyond this seven (7) calendar day period, Workers' Compensation benefits will commence and the City will pay the employee the difference between their Workers' Compensation benefit and 85% of their regular pay for a period of up to, but not exceeding, three (3) months from the date of injury. At this time, should the employee still be unable to return to work, the City will pay the employee the difference between their Workers' Compensation benefit and 75% of their regular pay for an additional three (3) months.

In the event the disability extends beyond six (6) months, the Mayor may extend the injury leave pay supplement for two three-month periods, provided the attending physician indicates in their report that they expect the employee to recover sufficiently to perform their regular duties. If benefits are extended, the City will pay the employee the difference between their Workers' Compensation benefit and 75% of their regular pay. In no event will injury leave with pay, including any prescribed "light" duty assignment, exceed twelve (12) months from the date of injury for the initial injury, a re-injury or a related injury.

The City reserves the right to assign the employee to "light" duty as prescribed by the employee's doctor. Employees assigned to light duty will receive compensation at their regular rate of pay.

5.12 **Family Medical Leave Act:**

As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

5.12(a) Covered Family and Medical Reasons. An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12 month period for one or more of the following reasons:

(1) the birth or placement of a child for adoption or foster care;
(2) to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
(3) to take medical leave when the employee is unable to work because of a serious health condition.
(4) a serious health condition is an illness, impairment, or physical or mental condition that involves:

(a) inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical care facility including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
(b) a period of incapacity or more than three consecutive, full calendar days, and any subsequent treatment or incapacity relating to the same condition that also involves:

(1) treatment two or more times by a health care provider within 30 days of the first day of incapacity; or
(2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider
(3) any period of incapacity or treatment for such incapacity due to a chronic serious health condition which requires periodic visits (at least twice a year), continues over an extended period of time and may cause episodic rather than a continuing period of incapacity

(4) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective

(5) due to a non-medical activity ("qualifying exigency") that is directly related to a covered family member's (limited to a spouse, son/daughter, or parent of the employee) active duty or call to active duty in the National Guard or Reserves, in support of a contingency operation. Under terms of the statute, qualifying exigency leave does not extend to family members in the Regular Armed Forces. Leave due to qualifying exigencies may be taken on an intermittent basis.

Qualifying exigencies include:

- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Short notice deployment (7 days or less)

(6) for an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered service member) to care for a covered servicemember who is a current member of the Regular Armed Forces, National Guard, or Reserves who has incurred and injury or illness in the line of duty while on active duty, provided that such injury or illness renders the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating. This leave may be up to 26 work weeks of unpaid leave during a single 12-month period, with the 12 month period measured on the date the employee commences the caregiver leave and ending 12 months thereafter.

An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with

questions about whether specific illnesses are covered under this policy or under the City's sick leave policy are encouraged to meet with the department head.

5.12(b) Employee Eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

(1) The employee has worked for at least 12 months for the City. The 12 months need not have been consecutive. (If the employee was on the payroll for part of a week, the City will count the entire week. The City considers 52 weeks to be equal to 12 months.)

(2) The employee has to have worked for the employer for at least 1,250 hours over the 12 months before the leave would begin.

(3) When both spouses are employed by the City, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

5.12(c) Calculation of Leave. Eligible employees can use up to 12 weeks of leave during any 12 month period. The City will use a rolling 12 month period measured backward from the date an employee uses any FMLA leave (it will not be measured backward before August 5, 1993). Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

5.12(d) Maintenance of Benefits. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the City Clerk's Office by the first day of each month. The

City will continue to maintain insurance on the employee until the leave time has ended, regardless of whether the employee pays their share, but the City will deduct from compensation owed to the employee any amounts of the insurance the City paid that the employee was to pay.

If an employee informs the City that he/she does not intend to return to work at the end of the leave period the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

Other benefits such as the accrual of seniority will not continue during leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

5.12(e) Job Restoration. An employee who utilizes family or medical leave under this policy will be restored to the same job, pay, benefits and other employment terms.

The City may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

5.12(f) Use of Paid and Unpaid Leave.

FMLA will run concurrently with accrued paid leave. If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the 12 weeks as unpaid leave.

If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid

vacation, paid sick leave when eligible, and accrued compensatory time, and then will be eligible for unpaid leave for the remainder of the 12 weeks. Sick leave may not be used for a medical condition or serious health condition of the employee that is covered by worker's compensation.

An employee using leave for the birth of a child will use paid sick leave and any accrued compensable time for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation, and any unused compensatory time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation, paid sick leave or accrued compensable time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

5.12(g) Intermittent Leave and Reduced Work Schedules. In certain cases, intermittent use of the 12 weeks of family or medical leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's department head.

Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider.

In some cases, the City may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

5.12(h) Procedure for Requesting Leave. All employees requesting leave under this policy must complete the Family/Medical leave form.

When an employee plans to take leave under this policy, the employee must give the City 30 days notice. If it not possible to give 30 days notice, the employee must give as much notice as possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

Employees must provide sufficient information for the City to reasonably determine whether the leave may qualify for FMLA and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

When an employee requests FMLA Leave, or the City acquires knowledge of an employee's need for FMLA leave, the City will notify the employee of his or her eligibility to take leave and inform the employee of his/her rights and responsibilities under FMLA. When the City has enough information to determine that leave is being taken for a FMLA-qualifying reason, the City must notify the employee within five (5) business days that the leave is designated and will be counted as FMLA leave. The Human Resources Department or a management official, but not the employee's direct supervisor, may contact an employee's health care provider for the sole purpose of authenticating or clarifying a medical certification.

5.12(i) Procedure for Notice and Certification of Serious Health Condition. On occasion, the City may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should try to respond to such a request within 15 days of the request, or

provide a reasonable explanation for the delay.

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

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

(1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.

(2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

(3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

(4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

5.13 **Military Leave and Re-Employment of Veterans:**

The City is obligated to release employees for service with the armed forces when the employee participates in:

1. Annual training (summer camp);
2. Active duty of training (school);
3. Inactive duty training assemblies (weekend drills);
4. Extended leave of absence for voluntary active duty service (enlistment); and
5. Involuntary call up.

Military leave of absence shall result in no loss of seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.

The City is obligated to grant military leave with pay to the employee for absences for a period of fifteen (15) working days (a working day shall be considered eight hours for all employees, except 24-hour shift firefighters, with seven 24-hour shifts to be considered fifteen (15) working days for 24-hour shift firefighters), plus necessary travel time for annual training requirements or other duties performed in an official duty status in any one calendar year in accordance with A.C.A. §21-4-102, as amended by Act 673 of 1991. The City will not require the employee to use normal annual leave (accrued vacation) for such purposes. The employee may, however, request use of vacation, compensatory time, or leave without pay to supplement absences exceeding those covered by this military leave allowance.

Any employee who is a member of the National Guard or Reserve will be granted reinstatement rights as required by law.

The City will make a reasonable effort to adjust work schedules and assignments to accommodate employees fulfilling military obligations.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee.

The employee is responsible to provide to their department head copies of all military orders which will result in a leave of absence for active military duty. Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

Personnel called to active duty in emergency situations declared by the Governor

or President shall be granted leave with pay not to exceed 30 working days (30 working days for 24-hour shift firefighters shall be fifteen (15) 24-hour shifts) after which leave without pay will be granted. “Emergency situations” means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order. Ark. Code Ann. §21-4-212. Military leave for emergency situations is granted in addition to annual military leave for training purposes.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

Inactive duty training dates (weekend drills) shall be provided to the department head as soon as available if the dates conflict with scheduled employment with the City.

It is the responsibility of the official verifying time cards in each department to note the use of military leave on the employee's time card.

5.14 **Jury/Court Duty Leave:**

Any regular full-time or part-time employee who is required to serve on a jury shall be allowed authorized leave with pay, and shall also be allowed to keep jury fees paid by the Court. An employee who receives notice of jury duty shall notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City reserves the right to request an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

Any regular full-time or part-time employee who, as a result of official City of Springdale duties, is required to appear before a Court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. An employee who receives notice of witness service shall notify his/her supervisor immediately in order that arrangements may be made to cover the position. If the employee receives a witness fee for appearing, then the employee has the choice of keeping the witness fee and taking the leave as authorized herein (which would require the taking of comp time or other authorized paid leave), or turning the witness fee in to the City Clerk's office and taking the time as authorized leave pursuant to this policy.

Employees who appear in Court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless

that time is accrued vacation or other authorized time owed to the employee, such as compensatory time.

Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

5.15 **Funeral or Bereavement Leave:**

Funeral leave with pay shall be granted to all regular full-time and regular part-time City employees in cases of death in the immediate family only. Regular full-time employees shall be paid up to a maximum of 24 working hours and regular part-time employees shall be paid a maximum of 12 working hours.

Immediate Family (for purposes of this policy) shall include mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives.

Travel time may be granted upon prior approval of the department head in addition to the 24 hours where travel time of more than eight hours is necessary.

The department head may grant funeral leave of not more than one calendar day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

5.16 **Leave of Absence Without Pay (Other Than Military Leave):**

Request for leave of absence without pay shall be in writing on a personnel action form and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request shall normally be submitted by the employee to the effected department head. The department head shall recommend to the Mayor's office whether the request should be granted, modified or denied. After reviewing the request and after consultation with the department head, the Mayor's office shall then make a decision as to leave without pay based upon the best interest of the City, giving due consideration to the reasons given by the employee. The Mayor's office may grant a full-time regular employee leave of absence without pay not to exceed 90 calendar days. Such time is unpaid leave.

No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay. The employee's

anniversary date shall be adjusted to reflect the length of the absence for the purpose of computing longevity.

Any employee on an approved leave of absence without pay may continue his or her health insurance coverage through the City by paying the full cost to the City in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position.

Upon extenuating circumstances, the Mayor's office may grant an extension of a leave period upon written request by the employee. Such extension shall not exceed an additional 90 days and will be based on departmental, as well as employee considerations.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

Part 6.

Risk Management/Safety Policies

PART 6. RISK MANAGEMENT/SAFETY POLICIES

6.1 **Use of City Owned Vehicles:**

City owned vehicles are sometimes provided to City employees to help such employees better perform their job. City vehicles shall be legally operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver, not the City. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.

City owned vehicles shall only be used for authorized City business. However, if approved by the department head (or Mayor in the event the department head is the employee involved) family members may be transported in the City owned vehicles to drop family members off or pick them up at a location within Springdale, while the employee is en route to or from work. No City owned vehicles shall be operated outside the City of Springdale, unless approved by the department head, and the Mayor.

Exception: This policy does not apply to Police Department or Fire Department, except the provisions regarding seat belts, which do apply. The Police Department and Fire Department have their own respective policies governing vehicle use.

6.2 **Accidents in City Owned Vehicles:**

If, while operating a City owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, the following action should be taken:

1. REQUEST that parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has released them.

2. All collisions involving City vehicles or persons on duty and actively engaged in City business will be investigated by a police agency.

3. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.

6.3 **Accidents Involving Defective Equipment:**

When an accident happens where defective equipment is a possibility, the following action should be taken:

1. Attend to any injuries of employees or others.

2. Turn equipment in question over to the employee's supervisor, who shall consult with the department head.

3. Write a detailed report within 48 hours, to include all circumstances surrounding the incident and all manufacturing information available concerning the equipment in question. This report should be submitted to the department head.

4. When an employee is injured, procedures should be followed as outlined by Policy 6.5, On-the-Job Injury or Illness.

6.4 **Driver's Licenses:**

Any employee whose work requires that he/she drive City vehicles must hold a valid Arkansas driver's license, unless the employee holds a valid driver's license from another state and obtains an Arkansas driver's license within the time required by law.

All new employees who will be assigned work entailing the operating of a City vehicle will be required to submit to a Department of Motor Vehicle's driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Any employee performing work which requires the operation of a City vehicle shall notify his/her immediate supervisor in those cases where his/her license is expired, suspended or revoked. If an employee fails to report such an instance, he/she is subject to disciplinary action, including termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a City vehicle shall be subject to termination.

6.5 **On-the-Job Injury or Illness:**

The City shall provide for the treatment and care of on-the-job injuries and illnesses as provided by Arkansas law. Any incident involving a City employee shall be reported to that employee's supervisor immediately. The supervisor shall ensure that the employee has transportation to receive minor medical care and if it is an emergency, an ambulance shall be called immediately. When possible, the employee should be taken to the emergency room of Northwest Medical Center. The emergency room at Northwest Medical Center is open 24 hours a day, 7 days a week, including holidays.

Employees should be taken for medical attention as soon as possible. The employee will receive initial treatment and will be advised by the attending physician as to the need for further treatment and when to report back to work. Follow-up treatment may be referred to the employee's private physician.

The employee shall complete a workers compensation injuries form within two (2) days of the incident in which the employee received injury. The supervisor should provide additional information as needed. All forms should be submitted to the Mayor's office within three (3) days of the incident.

Additional reporting information should be recorded as described in the policy on workers compensation.

6.6 **Safety and Accident Prevention:**

The City recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools and other devices.

Administration of the safety program should be the job of the supervisor. They should be constantly on the alert to observe and report unsafe working practices or existing hazardous working conditions with the aim of immediate correction. Each department head or supervisor shall make sure that the employee under his/her supervision is well acquainted with existing safety rules and shall see that the rules are uniformly enforced. Safety education of all employees shall be promoted by supervisors adhering to all safety rules.

It is the responsibility of all employees to cooperate in making the safety program work. Employees shall:

1. Be informed of and observe established safety practices.

2. Notify supervisors of any unsafe conditions they discover.

3. Use personal protective equipment such as steel toed shoes, safety vests, safety glasses, and hard hats where required.

4. Not remove guards or other protective devices from machinery and equipment.

5. Not engage in horseplay.

6. Attend any required training or orientation to increase safety awareness.

7. Report all job-related injuries or illnesses to their supervisors promptly.

8. Assist supervisors in their investigation of any accident of which they have knowledge; accident investigation is fact finding, not fault finding.

9. Refrain from smoking in "no smoking" areas.

10. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

If an employee desires to make a safety complaint or suggestion, the employee should do so in writing to the department head, who should review such complaint/suggestion, and notify the Mayor's office thereof.

If emergency medical care is requested by a citizen or person visiting a City facility, the Springdale Fire Department should be called to respond. All incidents should be reported through a report and filed with the department head who shall provide a copy to the Mayor's office.

6.7 **Safety Equipment:**

It is the policy of the City of Springdale to make hard hats available to all employees desiring to take advantage of this safety headgear when performing work in the field. At a minimum, hard hats shall be worn as follows:

1. When working in areas where there is a danger of head injury from impact, from falling or flying objects, or from electrical shock and burns.

2. When assigned to structural or bridge work and to any area where overhead or underground work poses a threat.

3. When conditions warrant and/or ordered to do so by a supervisor.

Steel-toed shoes (or toe protectors) shall be used when using a jack hammer.

Safety harness shall be used when employees enter a large clean out, storm manhole, sewer manhole, wet well, catch basin or large pipe.

Safety vests shall be worn when employees are in flagging position and/or when working in a traveled right-of-way, except this provision pertaining to the right-of-way does not apply to uniformed police officers or firefighters.

Safety glasses shall be worn when grinding, chipping, using air tools, driving back hoe or under conditions which warrant the supervisor to require safety glasses being worn.

All possible precautions must be taken by employees to avoid exposure to injury or illness to themselves or others.

Supervisors are responsible to ensure compliance with the provisions of this policy by all members of their crews, division, or department.

Failure to comply with mandatory requirements for wearing safety apparel and/or using safety equipment will result in disciplinary action, including termination for repetitive or gross violations.

6.8 **Occupational Injury and Illness Record Keeping:**

Each City facility will ensure that appropriate records are kept as follows:

A. Maintain a Log and Summary of Occupational Injuries and Illness as required by law. Recordable cases include:

   1. Every occupational death;
   2. Every occupational illness;
   3. Every occupational injury that involves:
      a. Unconsciousness;
      b. Inability to perform all phases of the regular job;
      c. Inability to work full time on a regular job;
      d. Temporary assignments to another job;
      e. Medical treatment OTHER than first aid.

B. Keep copies of all reports generated when an employee is injured on the job.

C. Maintain records for at least seven years following the year to which they relate.

D. Enter each recordable injury and illness on the log as early as practical,

but no later than six working days after receiving the information that a recordable case has occurred.

E. A record for each occupational injury or illness will be maintained. A completed copy of the forms required in connection with workers compensation are sufficient for record keeping purposes.

F. Responsibility: The individual or function responsible for maintaining records and ensuring proper posting is:

Police Stations - Police Chief
Fire Stations - Fire Chief
City Street Department/Airport - Street Department Superintendent
City Hall Offices (other than Police Department) - Personnel Officer
Community Center and Park Facilities - Parks and Recreation Director
Library - Library Director
Animal Shelter - Animal Shelter Director
Shiloh Museum - Museum Director

6.9 **Safety Orientation, Accident Investigation and Reporting:**

A. Safety Orientation: All City employees are to receive a safety orientation at the beginning of employment. The safety orientation form set out in Appendix E which is incorporated herein, shall be completed, signed by the supervisor and employee, and returned to the Personnel Officer for inclusion in the employee's personnel file. The Employee Safety Responsibilities Form, set out as Appendix F to this manual and incorporated herein, is to be distributed to the employee by the supervisor. The form shall be signed and dated, with a completed copy sent to the Personnel Officer for inclusion in the employee's personnel file. Both the Safety Orientation form and the Employee Safety Responsibilities form can be obtained from the department head or personnel officer.

B. Accident Reporting and Purpose: ALL ACCIDENTS, No matter how minor, shall be reported PROMPTLY to the immediate supervisor for evaluation/investigation. Since every accident includes a sequence of contributing causes, it is possible to avoid a repeat performance of the first event by recognizing and eliminating these causes. The removal of just a single cause can prevent a recurrence. During the supervisors evaluation he/she must determine the possible consequences that could take place if the situation is not corrected and take appropriate action based upon those findings (i.e. investigate, report, correct, etc.).

C. Medical Emergency Procedure: Springdale Fire Department paramedics

will be called in the case where the employee needs immediate medical attention.

D. Documentation Procedures:

1. MINOR INJURIES - (Any time an employee receives a minor injury, up to and including requiring doctor/outpatient care) After the emergency actions following an accident, an investigation of the accident will be conducted by the immediate supervisor in conjunction with any witnesses to the accident to determine the causes. The findings of the investigation shall be documented on the City's incident form and reported. Copies of said report shall be provided to the following:

   a. Copy to Mayor;
   b. Copy to Personnel Officer;
   c. Copy to Department Head files;
   d. Copy to risk manager for the department involved; and
   e. Copy to City Attorney's office.

2. MAJOR INJURIES - (Fatality or multiple hospitalization) Any time a fatality occurs, or a person is hospitalized, the Mayor and department head are to be notified immediately by the person in charge and an investigation under the direction of the department head will be conducted. The Mayor shall review the investigation when completed. The City Attorney shall also be notified on major injuries.

   NOTE: The above procedures apply to motor vehicle accidents, but the necessity of a City incident form shall not be necessary, as the accident report will suffice. However, all other procedures shall be followed as set out herein.

3. NEAR-MISSES - (Likelihood of personal injury or property damage) To the greatest extent possible, all "near-miss" accidents shall be investigated by the department head and if a safety problem exists, the Mayor should be notified.

6.10 **Risk Manager For Each Department:**

Each department head is responsible for appointing a risk manager for his/her department, and it shall be an employee other than the department head. Such risk manager will meet with the department head on a regular basis to discuss risk management matters. In addition, at least annually~~,~~ the risk manager of the

department and the department head shall meet with the Personnel Officer, and City Attorney to discuss that department's risk management program.

APPENDIX

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APPENDIX A

REGULATIONS AND POLICIES ON DRUG AND ALCOHOL TESTING FOR EMPLOYEES REQUIRED TO HAVE A COMMERCIAL DRIVERS LICENSE IN POSITIONS FOR THE CITY OF SPRINGDALE, ARKANSAS

GENERAL REQUIREMENTS

The City is required to provide educational materials that explain the requirements of the DOT's alcohol and drug testing program and the City's policies and procedures with respect to meeting those requirements.

The City shall ensure that a copy of these materials is distributed to each covered employee prior to the start of alcohol and controlled substances testing under the applicable regulations and this policy, and to each covered employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

Cities must require that each covered employee sign a receipt for these materials. The employee must keep the original receipt and may provide the employee with a copy.

TRAINING FOR SUPERVISORS

The City shall ensure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

IMPLEMENTATION OF POLICY

The Federal Motor Carrier Safety Regulations, specifically Title 49, Code of Federal Regulations, Part 382, established by the U.S. Department of Transportation Federal Highway Administration, requires the City of Springdale to establish rules and regulations for controlled substances and alcohol use and testing. Implementation of the drug and alcohol testing programs are to begin January 1, 1996. The City Council of the City of Springdale, Arkansas, on December 12, 1995, adopted the rules

contained in the above regulations pertaining to certain local government employees and established penalties for violations. In addition, there may be other City of Springdale, Arkansas ordinances and policies regarding drug and alcohol testing.

PERSON DESIGNATED TO ANSWER QUESTIONS

To assist you in understanding the requirements placed on both the employee and employer, the following persons will answer your questions about the alcohol and drug testing programs for those whose positions require a Commercial Driver's License

***** Human Resource Director
(479) 750-8535

If not available,

***** Sam Goade
Street Department
Superintendent
(479) 750-8135

If not available,

***** Ken Wasson
AML Staff Personnel
(501) 374-3484

EMPLOYEES SUBJECT TO ALCOHOL AND DRUG TESTING PURSUANT TO THIS POLICY

The employees who must be tested are those required to have a Commercial Driver's License (CDL).

That is any employee whose position requires driving a motor vehicle:

* with a gross combination weight rating of 26.001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;

* with a gross vehicle weight rating of 26,001 or more pounds;

* designed to transport 16 or more passengers; or

* of <u>any size</u> that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

SAFETY SENSITIVE FUNCTIONS

Safety Sensitive Functions as defined by the regulations means any of those on-duty functions set forth in Part 395.2, Para. 1-7, On-Duty Time.

On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time shall include:

* waiting at a terminal, facility, or other property to drive, unless relieved from duty by the employer;

* performing pre-trip inspections or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

* driving the motor vehicle;

* in or upon any commercial motor vehicle, except when resting in a sleeper berth;

* loading or unloading the vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, giving or receiving receipts for the load, or remaining in readiness to operate the motor vehicle;

* all time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

PROHIBITED CONDUCT

A driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions, or perform a safety sensitive function:

* while using alcohol;

* while having an alcohol concentration of 0.04 or greater and shall not return to safety sensitive duty until having an alcohol concentration of 0.02 or less;

* while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter);

* within four hours after using alcohol;
* when using any controlled substance, except when instructed by a physician who

has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. The employer may require a driver to inform the employer of any therapeutic drug use;

* if tested positive for controlled substances.

A driver shall not:

* Refuse to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

Following an accident requiring a post-accident alcohol test, a driver or operator shall not:

* Use alcohol within eight (8) hours after an accident that requires a post-accident alcohol test, or before taking the required post-accident alcohol test, whichever comes first.

No supervisor or department head shall permit a driver or operator to perform or continue to perform safety sensitive functions when the supervisor or department head has actual knowledge that a driver or operator:

* is using alcohol;

* has an alcohol concentration of 0.04 or greater;

* has used alcohol within four hours;

* possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter);

* has tested positive for controlled substances;

* is using any controlled substance, except when the employee has been instructed by a physician that the substance does not adversely affect the employee's ability to safely operate a CMV;

* has refused to submit to alcohol or controlled substance test.

WHEN A DRIVER MUST BE TESTED

The Federal Motor Carrier Safety Regulations are very specific about when a driver must submit for a drug and alcohol test. The drug test will use urine, and the alcohol

test will use breath.

The regulations require six tests of CMV drivers. They are:

* Pre-employment
* Random
* Reasonable Suspicion
* Post-Accident
* Return to Duty
* Follow-Up

TESTING PROCEDURES

Alcohol Tests

Alcohol testing is done by testing breath, because it is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath.

The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first is the initial test. If the initial test shows a reading less than 0.02, the test is recorded as "negative". If the initial test result is 0.02 or greater, a confirmation test will be done.

The alcohol testing will be done in a site that affords privacy to the drivers being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing site during the test.

The first part of the testing process is to make sure the EBT is operating properly. In the driver's presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is

requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15-minute waiting period will be observed during which the driver cannot leave the test site and may not eat, drink, or smoke during this period. The purpose of the 15-minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The conformation test is done on the same EBT as the first test, and the testing procedures will be the same.

When the confirmation result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy of the document provided to the tested driver.

Drug Tests

The testing program required by the regulations is limited to five drug types:

Marijuana
Cocaine
Opiates
Amphetamines
Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require:

a designated collecting site;
security for the collection site;
chain of custody documentation;
use of authorized personnel;
privacy during collection;
integrity and identity of the specimen;
transportation to the laboratory.

Driver protection is built into the testing procedures. To meet the federal requirements the only laboratories to be used are those that have been certified by the federal government. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests

are performed.

* Initial test: this is an immunoassay screening test to determine drug usage for the five classes of drugs.

* Second test: this is a confirmation test.

The positive levels for the five classes of drug tests are in the table below:

Drugs	Initial Test Levels (NG/ML)*	Confirmation Test Levels (NG/ML)*
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

***ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.**

If the result of the initial test is negative, the testing laboratory will advise the employer's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the result of the initial test is positive, that is, if the result exceeds the test levels for any of the five drug classes, a second (conformation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis. The Medical Review Officer will contact the employee or applicant and confer regarding the results to determine if a false positive is possible. If after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the department head who then must direct the employee to contact the MRO. If, after making all reasonable efforts, the management official is unable to reach the employee, the employer may place the employee on medically unqualified status (suspension) until a determination has been made as to the appropriate course of action to be taken.

The MRO may verify a test as positive without having communicated directly with the

employee covered by this policy about the test results under the following circumstances:

* the employee expressly declines the opportunity to discuss the test results;

* the employee does not contact the MRO within five days after having been instructed to do so;

Urine collections are made "split specimen." That is, the urine is divided into two specimen bottles before the testing. If the test result of the primary specimen is positive, the driver, within 72 hours of being notified of the positive test result of the primary specimen, may request the Medical Review Officer to send the second (or split) specimen to a different certified laboratory for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative", the MRO shall cancel the test.

The department head is required to keep a record in the driver's medical file showing the type of test (pre-employment, periodic random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

TESTING PROGRAMS

Testing will be done while the driver is performing a safety-sensitive function, or just before the driver is to perform a safety-sensitive function, or immediately available to perform any safety-sensitive function, or just after the employee has ceased performing such functions.

Pre-Employment Testing

Persons whose positions require a commercial driver's license must be tested for drug use prior to employment or promotion. A negative drug test result must be received before the driver is hired or promoted. (U.S. District Court has stated that testing for alcohol can not be performed pre-employment.)

Reasonable Suspicion Testing

An employer shall require a driver to submit to an alcohol or controlled substance test, within the time limits set out in the regulations, when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions as defined by Subpart B of Part 382 of the regulations concerning controlled substances or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations leading to reasonable suspicion of use of a controlled substance may

include indications of the chronic and withdrawal effects of such substances.

Reasonable suspicion means a particularized and objective basis for suspecting the particular employee of engaging in PROHIBITED CONDUCT. For the purpose of this section, PROHIBITED CONDUCT shall include the listing beginning on Page A-3 of this document under the topic heading "PROHIBITED CONDUCT".

The supervisor or official making the observations leading to reasonable suspicion controlled substance and alcohol testing must have received the required training in detection of probable alcohol misuse or controlled substance abuse. The Arkansas Municipal League recommends that the City Attorney's office be consulted before testing, when practical. If not practical to consult the appropriate attorney before testing, then they should be notified as soon as practical after testing.

The supervisor or official who determines that reasonable suspicion exists shall not conduct the breath alcohol test on the driver. Testing will be done only by someone trained to operate the EBT (evidential breath testing device) and proficient in the breath testing procedures. This may be a City of Springdale employee, a contract service, or by a local law enforcement officer (but not as a part of roadside or other inspections). The testing shall be accomplished in accordance with the procedures beginning on Page A-5 of this document, under the topic heading "TESTING PROCEDURES".

The driver may be directed by the employer to undergo reasonable suspicion testing for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. The test must be done as soon as possible within the time limits set by the regulations.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The behavior, appearance or other condition of the employee that causes the supervisor or other Springdale official to require the test must be documented in writing and signed by the witness within 24 hours after the behavior is noticed or before the controlled substances tests are released, whichever is earlier.

Random Testing

Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced.

The rate for random testing is based on a 1-year period. The unannounced tests should be spread evenly throughout the year on a weekly, monthly, or quarterly basis.

The regulations provide that random drug testing is to be at a 50% annualized rate (minimum); and that random alcohol is to be at a 25% annualized rate (minimum).

Post Accident Testing

As soon as practical following an accident involving a commercial motor vehicle, each employer shall test for alcohol & controlled substances each surviving driver who was performing safety sensitive functions with respect to the vehicle if the accident involved:

* a fatality;

* the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of any breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the employer.

A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST

The Federal Motor Carrier Safety Regulations provide that:

* a driver or operator shall not refuse to submit to a post accident test, reasonable suspicion test, random selection test, or follow-up test;

* no employer shall permit a driver or operator who refuses to submit to a required test to perform or continue to perform safety sensitive functions.

Under the regulations, actions constituting a refusal to submit to a test are:

* the refusal to sign the certification in step 2 on the alcohol test form;
*failure to provide an adequate amount of breath without a valid medical explanation;

* failure to provide sufficient urine for a drug test without a valid medical explanation;

* engaging in conduct that clearly obstructs the testing process.

Consequences of a Refusal to Submit to a Drug or Alcohol Test

The regulations provide:

No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. The penalty for refusing to take a mandated test for drugs or alcohol is immediate discharge from employment with the City.

CONSEQUENCES OF A POSITIVE TEST

The regulations require an employer to immediately remove an employee from safety sensitive duties following a positive drug or alcohol test of 0.04 BAC and above.

Alcohol Test Results of 0.04 BAC and Above

A driver who tests 0.04 or above will be:

* immediately removed from safety sensitive functions;

The penalty for a positive alcohol test is immediate discharge from the employment with the City.
If returned to duty by an appeal authority, a driver:

* shall undergo a return to duty alcohol test and receive a result indicating an alcohol concentration of less than 0.02, before returning to duty;

* shall be evaluated by a substance abuse professional (SAP) to determine that the driver had properly followed any rehabilitation program prescribed under the regulations;

* shall be subject to follow-up unannounced alcohol tests for up to 5 years, depending on the evaluation of the substance abuse professional.

Alcohol Test Results of Over 0.02 BAC But Less Than 0.04 BAC

No driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but less than 24 hours following the test.

Drug Tests

A driver who tests positive for drugs shall:

* be immediately removed from safety-sensitive functions;

* be made aware of resources for solving alcohol and drug problems.

The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge from employment with the City. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the City receives the results of the second test. A negative result from the second drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

If returned to duty by an appeal authority, the driver shall:

* undergo a return-to-duty drug test with a negative test result;

* be evaluated by a SAP to determine that the driver has properly followed any rehabilitation program prescribed under the regulations following the initial positive drug screen;

* be subject to unannounced follow-up drug tests for up to 5 years depending on the evaluation of the SAP.

THE EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK AND PERSONAL LIFE

The hazard of misuse of alcohol and illegal drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher

health insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

* Alcohol
* Prescription drugs
* Over-the-counter drugs
* Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely.

People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

More detailed information on drugs that every driver needs to know can be obtained from those designated persons set out on page A-2.

APPENDIX B

THE CITY OF SPRINGDALE POLICY FOR DRUG TESTING SWORN POLICE OFFICERS, SWORN FIREFIGHTERS, 911 RADIO DISPATCHERS, JAILERS AND EVIDENCE TECHNICIAN

DISCUSSION

Drug abuse is a subject of immediate concern in our society. This problem is extremely complex and one for which there are no easy solutions. Sworn police officers of the Springdale Police Department are not only responsible for enforcing the laws which deal with drug abuse, but also are required to abide by them. Sworn firefighters of the Springdale Fire Department are responsible for firefighting activities within the City of Springdale, as well as fire prevention, and providing emergency medical services through the operation of an emergency ambulance service. Both armed police officers and sworn firefighters have to be alert enough to make instantaneous judgments with lives at stake. Moreover, a drug user within the ranks would endanger lives of the police officers and firefighters themselves, as they must depend upon their fellow officers to back them and assist them in emergencies.

911 radio dispatchers, the evidence technician within the Police Department, and jailers engage in activities that could pose a risk to the public if such employees are impaired by drugs. 911 radio dispatchers deal directly with the public in providing emergency dispatch services and have access to sensitive law enforcement information; the evidence technician of the Springdale Police Department is directly involved in drug enforcement by his/her responsibility for acting as custodian of drugs seized by law enforcement officers. If an evidence technician was using drugs, all evidence that had been under his/her control would be compromised and/or the evidence technician could easily be subject to bribery or blackmail. Jailers deal directly with prisoners, and perform certain functions including booking in prisoners, releasing prisoners, searching prisoners, and seizing illegal contraband from prisoners. Jailers also have access to sensitive information.

There is nothing to indicate at this time that any of the above named employees are abusing drugs. Unfortunately, the potential for catastrophe created by even one drug user in any of the above named positions mandates that this policy be implemented.

POLICY STATEMENT

It is the policy of the City of Springdale that the critical mission of law enforcement in the protection of the public, and the critical mission of firefighting and providing an emergency ambulance service in Springdale, justifies maintenance of a drug free work environment and the use of a reasonable drug testing program for persons holding certain positions within the Police Department and Fire Department.

The law enforcement, firefighting, and emergency medical professions have several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect and sworn to help and assist them in emergency situations, are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus their job performance.

In order to ensure the integrity of the Police Department and Fire Department, and to preserve public trust and confidence, the Police Department and Fire Department shall implement a drug testing program to detect prohibited drug use by sworn employees, 911 radio dispatchers, jailers and/or evidence technician(s).

SCOPE OF POLICY

This policy only applies to civil service positions in the Springdale Police and Fire Departments (sworn police officers and firefighters), as well as 911 radio dispatchers, jailers and evidence technician. The City also has policies governing other employees of the City of Springdale, but the scope of this policy only applies to the positions named herein.

DEFINITIONS

A. **Sworn Employee** - Those employees who hold civil service positions within the Police Department or Fire Department who have either been vested with full law enforcement powers and authority or full firefighting powers and authority within the City of Springdale.

B. **911 Radio Dispatchers** - Those employees who have been hired with the Springdale Police Department as "911 dispatchers" or who otherwise have emergency dispatch responsibilities.

C. **Evidence Technician** - The civilian employee hired as "Evidence Technician" for the Springdale Police Department, who is, in part, responsible for maintaining custody of drugs seized by sworn employees.

D. **Jailers** – Those employees who have been hired within the Springdale Police Department as jailers and who, in part, book in prisoners, fingerprint prisoners, release prisoners, search prisoners and seize illegal contraband, and sometimes handle evidence.

E. **Supervisor** - Those sworn employees assigned to a position having day to day responsibility for supervising subordinates, or who are responsible for commanding a work element.

F. **Drug Test** - The compulsory production and submission of urine by a sworn employee in accordance with procedures set out herein, for chemical analysis to detect prohibited drug usage.

G. **Reasonable Suspicion** - That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while on or off-duty.

H. **Employee** - A person holding a position governed by this policy (sworn police officers, sworn firefighters, 911 radio dispatchers, jailers or evidence technician).

PROCEDURES/RULES

A. Prohibited Activity:

The following rules apply to <u>all</u> employees governed by this policy, whether such employees are on or off duty:

1. No employee shall illegally possess any controlled substance.

2. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.

    a. Employees shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.

    b. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secure file.

    c. The employee may be temporarily reassigned to other duties,

where appropriate.

3. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

4. Any employee who unintentionally ingests, or is made to ingest a controlled substance, shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.

5. Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance, shall immediately report the facts and circumstances to their supervisor.

B. **Applicant Drug-Testing:**

1. Applicants who have been offered a job as a sworn employee, 911 radio dispatcher, jailer or evidence technician, shall be required to take a drug test after such conditional employment offer is made.

2. Applicants who have been made a conditional offer of employment, subject to a drug test, shall be terminated from further employment consideration under the following circumstances:

   a. Refusal to submit to a required drug test; or

   b. A confirmed positive drug test indicating drug use prohibited by this policy.

C. **Drug Testing of Employees Covered by this Policy:**

Employees governed by this policy shall be required to take a drug test under the following circumstances:

1. A supervisor may order any employee of lesser rank to take a drug test upon documented "reasonable suspicion" that the employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.

2. A drug test shall be administered as part of any regular physical examination required of an employee by their respective Department.

3. All employees governed by this policy shall be uniformly tested during any unannounced, mass/mandatory (random) testing required by this policy.

(a) The rate for "random" testing in each department (Fire and Police) shall be based on a one year period and the random tests shall be spread evenly throughout the year on a weekly, monthly, or quarterly basis. "Random" drug testing is to be at a 50% annualized rate (minimum) for each department (Fire and Police).

(b) The agency contracted by the City to collect the urine specimen for random drug testing shall notify the department head or the department head's designate immediately after determining which employees are subject to random testing. Such agency shall be responsible for administering the program and determining which employees are subject to random tests and will do so by utilizing a computer program which generates a random list of employees. As soon as the department head (or the designate) is notified of the employees subject to random testing, he will ensure that the employees report to the collection site on the first business day the employee reports for work after the department head is notified such employee has been chosen for a random test. If the department head is notified too late in the day for an employee to report to the collection site, notification will be made on the next business day in which the employee works. The department head will not notify an employee that they are subject to a random test until the day such employee is to report to the collection site for testing.

(c) When a department head is subject to a random test under this policy, the department head will not be notified, but instead the Mayor will be notified that the department head is subject to a random test. The Mayor will then be responsible for making notification to the department head and ensuring compliance as set out in the previous paragraph.

4. A drug test shall be considered as a condition of application to any specialized drug enforcement unit.

5. A drug test may be administered as part of any promotional process of employees governed by this policy.

6. A drug test shall be administered any time an employee governed by this policy is operating a City owned vehicle or is operating any vehicle while conducting City business, and such employee has a motor vehicle accident which involves:

* a fatality; or

* any person in the accident suffers serious physical injury, which is defined as physical injury that creates a substantial risk of death or that causes protractive disfigurement, protractive impairment of health, or loss or protractive impairment of the function of any bodily member or organ;

D. **Drug-Testing Procedures:**

1. The testing procedures and safeguards provided in this policy are to ensure the integrity of drug-testing and shall be adhered to by any personnel administering drug test(s).

2. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area.

3. A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.

4. The room used for the testing area shall be private and secure.

   a. Authorized testing personnel shall search the facility before an employee enters it to produce a urine sample, and document that it is free of any foreign substances.

5. Where the employee appears unable, or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug test report form. The employee shall be permitted no more than three hours to give a sample, during which time he/she shall remain in the testing area, under observation. Reasonable amounts of water, not to exceed 40 ounces, may be given to the employee to encourage urination. Failure to submit a sample in the time and manner set out in this policy shall be considered a refusal to submit to a drug test. The penalty for refusal to submit to a test pursuant to this policy is immediate discharge from employment with the City.

6. Urine collections are made "split specimen." That is the urine is divided into two specimen bottles before the testing. If the test result of the first specimen is positive on both the initial and the confirmation tests, the employee or applicant, within 48 hours of being notified of the positive test result of the first specimen, may request the Medical Review Officer send the second (or split) specimen to a different certified laboratory for testing. The testing of the second specimen will be for the presence of drugs with

no cut-off levels. The employee or applicant will be required to pay for testing the second specimen. If the result of the test of the split (second) specimen is negative, the MRO shall cancel the test and the City will reimburse the employee or applicant for the costs of testing the second specimen.

7. Specimen samples shall be sealed, labeled, and checked against the identity of the employee to ensure the results match the tested specimen. Samples shall be stored in a secured atmosphere until tested or delivered to the testing lab representative.

8. Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel.

E. **Drug Testing Methodology:**

1. The testing or processing phase shall consist of a two-step procedure:

   a. Initial screening test, and
   b. Confirmation tests.

2. The urine sample is first tested using the initial drug screening procedure. If the result of the initial test is negative, the testing laboratory will advise the employer's Medical Review Officer (MRO) that the drug test for the employee was negative. No additional tests on the specimen will be done.

3. If the result of the initial test is positive, that is if the result exceeds the test levels for any of the five drug classes, a second (confirmation) test is performed. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

   Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis. The Medical Review Officer will contact the employee or applicant and confer regarding the results to determine if a false positive is possible. If, after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the department head who then must direct the employee to contact the MRO. If, after making all reasonable efforts, the management official is unable to reach the employee, then the employee may be placed on administrative leave until a determination has been made as to the appropriate course of action to be taken.

4. The MRO may verify a test as positive without having communicated directly with the employee about the test results if:

   a. the employee expressly declines the opportunity to discuss the test results; or

   b. the employee does not contact the MRO within 48 hours after having been instructed to do so.

5. The drug screening tests selected shall be capable of identifying all those drugs listed in the next paragraph (E-6). Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

6. Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug screening test:

Drug	**Initial Test Level (ng/ml)**
Marijuana metabolite	50
Cocaine metabolite	300
Opiate metabolite	300*
Phencyclidine	25
Amphetamines	1000

*25ng/ml if immunoassay specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive on the initial test:

Drug	**Confirmatory Test Level (ng/ml)**
Marijuana metabolite	15 *
Cocaine metabolite	150 **
Opiates:	
Morphine	300+
Codeine	300+
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500

* Delta-9-tetrahydrocannabinol-9-carboxylic acid
** Benzoylecognine
\+ 25ng/ml if immunoassay-specific for free morphine

7. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.

8. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.

9. When the MRO determines an employee covered by this policy tests positive on the confirmatory drug test, the department head or his designate shall be notified immediately by the MRO and the employee shall be immediately removed from their position and placed on administrative leave until the department head can make a determination of the facts of the case. Such employee shall also be made aware of resources for solving drug problems. When the MRO determines an applicant has tested positive on the confirmatory test, the department head shall be notified immediately and the applicant shall not be considered further for employment until a determination of the facts can be made by the department head.

10. The penalty for a positive drug test, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge from employment with the City.

11. In the event an employee is discharged pursuant to this policy for a positive drug test, and an appeal authority returns the employee to work, such employee shall be subject to a return to duty drug test, with a negative drug test result. In addition, such employee will be evaluated by a substance abuse professional (SAP) to determine that the employee has properly followed any rehabilitation program. Such employee shall be subject to unannounced follow-up drug tests for up to 12 months after return to duty, which may be extended to 60 months, depending on the evaluations of the SAP.

12. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

F. **Chain of Evidence-Storage:**

1. Each step in the collecting and processing of the urine specimens shall be

documented to establish procedural integrity and the chain of custody.

2. Where a positive result is confirmed, urine specimens shall be maintained in secured storage for an indefinite period.

G. **Drug Test Results:**

1. All records pertaining to department required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.

2. Drug test results and records shall be stored and retained in compliance with state law.

APPENDIX C

THE CITY OF SPRINGDALE POLICY
FOR DRUG AND ALCOHOL TESTING CERTAIN EMPLOYEES
IN THE SPRINGDALE STREET DEPARTMENT

DISCUSSION

Drug and alcohol abuse is a subject of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. The Federal Motor Carrier Safety Regulations, specifically Title 49, Code of Federal Regulations, Part 382, requires the City of Springdale to establish rules and regulations for controlled substances and alcohol use and testing for all job positions which require a commercial drivers license. Pursuant to this Federal law, employees at the Springdale Street Department who are required to have a commercial drivers license are subject to the policy. However, there are many other jobs within the Springdale Street Department which, although they do not require a commercial drivers license to perform, are just as dangerous, if not more dangerous, than those jobs that require a commercial drivers license. An employee using drugs or alcohol that performs one of these jobs would constitute a danger to the employee, co-workers, and the general public. Persons hired into the Springdale Street Department in the positions of Maintenance Worker I, Maintenance Worker II, or Maintenance Worker III, as well as their Supervisors, including the Street Department Superintendent, will be trained on at least one of the following pieces of equipment and may at any time be required to operate one or more of the following pieces of equipment:

a. Pothole patcher;
b. Backhoe;
c. Dump truck (a smaller dump truck than one requiring a commercial drivers license);
d. Iron wheel roller;
e. Rubber tire roller;
f. Loader;
g. Tractor;
h. Grader;
i. Laydown machine;
j. Mosquito sprayer;
k. Bucket truck;
l. Leebra;
m. Bob cat;
n. Sweeper;
o. Crack filler machine;

p. Mowers;
r. Brush hog;
s. Street striper.

All of this heavy equipment is usually operated in the street or the street right-of-way, in close proximity to the general public and other workers who are often times on foot. The equipment is often operated near to utility and power lines.

In addition to the above mentioned equipment, employees in the positions previously mentioned in the Street Department will also be trained and required to operate at least one of the following pieces of equipment:

aa. Chipper;
bb. Chain saw;
cc. Weedeater;
dd. Sand blaster;
ee. Jack hammer;
ff. Cement mixer;
gg. Mobile air compressor;
hh. Generators;
ii. Concrete vibrator;
jj. Air driven tools;
kk. Cutting torch;
ll. Chop saw;
mm. Power miter saw;
nn. Table saw;
oo. Circular saw;
pp. Drill press;
qq. Hand grinder;
rr. Bench grinder.

Much of this equipment may be required to be operated on the street or in the street right-of-way. This type of equipment is also usually operated near co-workers, often times co-workers who are on foot.

Employees operating any of the equipment listed in both categories above, if they were impaired by drugs or alcohol, would endanger themselves, fellow workers, and/or the general public. There is nothing to indicate at this time that employees in the above named positions within the Street Department are abusing drugs or alcohol. Unfortunately, the potential for catastrophe created by any one employee drug user or employee influenced by alcohol in any one of the positions named herein mandates that this policy be implemented.

THE EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK AND PERSONAL LIFE

The hazard of misuse of alcohol and illegal drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the chances of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

SCOPE OF POLICY

This policy only applies to the positions of Maintenance Worker I, Maintenance Worker II, Maintenance Worker III, and their Supervisors, including the Street Department Superintendent. However, this policy does not apply to employees holding any of these positions who are already governed by the policy set out in Appendix A (those employees required to have a commercial drivers license to perform their job).

DEFINITIONS

A. **Employee** -- Those employees who hold the positions of Maintenance Worker I, Maintenance Worker II, or Maintenance Worker III in the Springdale Street Department, except those employees already covered by the policy set out in Appendix A. All employees holding these positions operate at least some type of dangerous equipment previously listed herein as part of their job.

B. **Supervisor** -- Those employees who supervise employees who are in positions of Maintenance Worker I, Maintenance Worker II, or Maintenance Worker III, and who are not governed by the policy set out in Appendix A. Such employees, besides being supervisors, may also be required to operate any of the equipment previously mentioned herein.

C. **Drug Test** -- The compulsory production and submission of urine by an employee or supervisor in accordance with procedures set out herein, for chemical analysis to detect prohibited drug usage.

PROHIBITED CONDUCT

An employee or supervisor shall not report for duty or remain on duty:

* while using alcohol;

* while having a blood alcohol concentration of 0.04% or greater and shall not operate any of the equipment listed herein until having a blood alcohol concentration of less than 0.02%;

* while possessing alcohol. This includes the possession of medicines containing alcohol (prescription or over the counter);

* within four hours after using alcohol;

* when using any controlled substance, except when instructed by a physician who has advised the employee or supervisor that the substance does not adversely affect the employee's ability to safely operate any of the equipment previously listed herein;

* if tested positive for controlled substances.

An employee or supervisor shall not:

* refuse to submit to an alcohol test required by this policy, or a controlled substance test which is required by post-accident, random, reasonable suspicion or follow-up testing requirements.

No supervisor shall permit an employee to operate or continue to operate any of the equipment previously listed herein when the supervisor has actual knowledge that such an employee:

* is using alcohol;

* has an blood alcohol concentration of 0.04% or greater;

* has used alcohol within four hours;

* possesses alcohol; this includes the possession of medicines containing alcohol (prescription or over-the-counter);

* has tested positive for controlled substances;

* is using any controlled substance, except when the employee has been instructed by a physician that the substance does not adversely affect the employee's ability to safely operate any of the vehicles or equipment previously listed herein;

* has refused to submit to an alcohol or controlled substance test.

WHEN AN EMPLOYEE MUST BE TESTED FOR CONTROLLED SUBSTANCES

An employee or supervisor covered by this policy must be tested for the controlled substances contained in this policy under the following circumstances:

* Pre-employment

* Random

* Reasonable suspicion

* Post-accident

* Return to duty

* Follow-up

TESTING PROCEDURES:

Drug Tests

The testing program required by this policy is limited to five drug types, named as follows:

Marijuana
Cocaine
Opiates
Amphetamines
Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require:

a designated collecting site;
security for the collection site;
chain of custody documentation;
use of authorized personnel;
privacy during collection;

integrity and identity of the specimen;
transportation to the laboratory.

After the urine specimen has been collected and forwarded to the laboratory, two tests are performed.

* Initial test: this is an immunoassay screening test to determine drug usage for the five classes of drugs.

* Second test: this is a confirmation test.

The positive levels for the five classes of drug tests are in the table below:

Drugs	Initial Test Levels (NG/ML)*	Confirmation Test Levels (NG/ML)*
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

***ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.**

If the result of the initial test is negative, the testing laboratory will advise the employer's Medical Review Officer (MRO) that the drug test for the applicant, employee, or supervisor was negative. No additional tests on the specimen will be done.

If the result of the initial test is positive, that is, if the result exceeds the test levels for any of the five drug classes, a second (confirmation) test is performed. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis. The Medical Review Officer will contact the applicant, employee, or supervisor and confer regarding the results to determine if a false positive is possible. If after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the applicant, employee, or supervisor directly, the MRO must contact the department head, or the Mayor in the event the department head is

the involved employee, and the department head or Mayor must direct the applicant, employee, or supervisor to contact the MRO. If, after making all reasonable efforts, the management official is unable to reach the employee or supervisor involved, the employer may place the involved employee or supervisor on medically unqualified status (suspension) until a determination has been made as to the appropriate course of action to be taken. As to applicants who cannot be reached, no further action will be taken in regard to their employment until the facts can be determined so that the appropriate course of action can be taken.

The MRO may verify a test as positive without having communicated directly with the applicant, employee, or supervisor about the test results under the following circumstances:

* the applicant, employee or supervisor expressly declines the opportunity to discuss the test results;

* the applicant, employee or supervisor does not contact the MRO within 48 hours after having been instructed to do so;

Urine collections are made "split specimen." That is, the urine is divided into two specimen bottles before the testing. If the test result of the primary specimen is positive, the applicant, employee, or supervisor, within 48 hours of being notified of the positive test result of the primary specimen, may request the Medical Review Officer send the second (or split) specimen to a different certified laboratory for testing. The testing of the second specimen will be for the presence of drugs with no cut-off levels. The applicant, employee, or supervisor requesting such a test will be required to pay the laboratory for the test. If the result of the test of the second specimen is "negative", the MRO shall cancel the test, and the City shall reimburse the applicant, employee, or supervisor for the costs of testing the specimen.

The Street Department Superintendent is required to keep a record in the employee's medical file showing the type of test (pre-employment, periodic random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results. For a drug test on the Street Department Superintendent, the Mayor is required to keep such records.

Alcohol Tests

Alcohol testing is done by testing breath, because it is the most easily obtained bodily substance and the results are known within minutes of testing. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath.

The alcohol testing will be done in a site that affords privacy to the employees being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing site during the test. The testing device is an Evidential Breath Testing Device (EBT), which is a scientific instrument that determines the concentration of alcohol expressed as "percent by weight". This may be done by an authorized testing facility, including a law enforcement agency licensed by the State Department of Health to administer breath tests.

The first part of the testing process is to make sure the EBT is operating properly. In the presence of the person being tested, the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is 0. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the person being tested is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15-minute waiting period will be observed during which the person being tested cannot leave the test site and may not eat, drink, or smoke during this period. The purpose of the 15-minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The confirmation test is done on the same EBT as the first test, and the testing procedures will be the same.

When the confirmation result is different from the initial test, the lower of the two tests results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy provided to the tested employee.

TESTING PROGRAMS

Pre-Employment Testing

Persons who are made a job offer for the positions of Maintenance Worker I, Maintenance Worker II, Maintenance Worker III, or as Supervisor of any of these positions, including Street Department Superintendent, must be given a post job offer pre-employment drug test. Alcohol tests are not conducted during pre-employment testing under this policy.

Reasonable Suspicion Testing

The definition of reasonable suspicion is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts, and any rationally derived inferences from those facts about the

conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while on or off duty, or is impaired because of the use of alcohol.

The employee or supervisor may be directed by the employer to undergo reasonable suspicion testing for alcohol while the employee is performing any job function in connection with their job as Maintenance Worker I, Maintenance Worker II, or Maintenance Worker III, or in the supervision of such workers, just before the employee is to perform any of these functions, or just after the employee has ceased performing such functions. The test must be done as soon as possible within the time limits set out by this policy.

In the case of suspected drug use, the employee or supervisor must be taken immediately to a collection site and a urine sample must be obtained. The behavior, appearance or other condition of the employee that causes the supervisor or other management official to require the test must be documented in writing and signed by the supervisor or management official within 24 hours after the behavior is noticed or before the controlled substances tests are released, whichever is earlier.

The results of any breath or blood test for the use of alcohol or a urine or blood test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this policy, provided such tests conform to applicable Federal, State, or local requirements, and the results of the tests are obtained by the employer.

Random Testing

Random testing ensures that every employee and supervisor have an equal chance of being tested. Random tests are unannounced.

The rate for random testing is based on a 1-year period. The unannounced tests should be spread evenly throughout the year on a weekly, monthly, or quarterly basis.

Random drug testing is to be at a 50% annualized rate (minimum) based on the total number of employees and supervisors specifically covered by this policy (not any employee or supervisor who has a commercial drivers license that is covered by Appendix A). Alcohol tests are not conducted on a random basis under this policy.

The agency contracted by the City to collect the urine specimen for random drug testing shall notify the Street Department Superintendent, or his designate, immediately after determining which employees or supervisors are subject to random testing. Such collection agency shall be responsible for administering the program and determining which employees are subject to random testing and will do so by utilizing a computer program that will generate a random list of employees or supervisors. As soon as the Street Department Superintendent (or the designate) is notified of the employees or

supervisors subject to random testing, he will ensure that the employees or supervisors report to the collection site within four hours after receiving such notification, provided that the Street Department Superintendent is notified prior to 11:30 a.m.. If the Street Department Superintendent is notified after 11:30 a.m., the notification of the employees or supervisors subject to random testing will be made before 11:30 a.m. on the next work day. Employees or supervisors subject to the test shall not be notified until the day they are to report to the collection site. If an employee or supervisor fails to report to work on a day they would have been tested, the notification will be made on the next work day in which the employee or supervisor reports for work.

In the event the Street Department Superintendent is subject to a random test under this policy, the Mayor will be notified by the collection agency instead of the Street Department Superintendent and it is the Mayor's responsibility to notify the superintendent to report to the collection site for testing. The timing of the notification will be as set out in the previous paragraph.

Post Accident Testing

If an employee or supervisor covered by this policy is operating any of the equipment listed in the first part of this policy and identified as "a" through "s," and is involved in a motor vehicle accident requiring a motor vehicle accident report to be completed under Arkansas law, such surviving employee or supervisor shall be required to be tested for controlled substances if the accident involved:

* a fatality;

* the operator of the equipment receives a citation under state or local law for a moving traffic violation arising from the accident.

An employee or supervisor who is subject to post accident testing shall remain readily available, if possible, for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

An employee requiring to be tested herein who is seriously injured and cannot provide a urine specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST

No employee or supervisor shall be permitted to operate any of the equipment previously listed herein when such employee or supervisor refuses to submit to a required test.

The following actions constitute a refusal to submit to a test:

*failure to provide an adequate amount of breath without a valid medical explanation;

* failure to provide sufficient urine for a drug test without a valid medical explanation;

* engaging in conduct that clearly obstructs the testing process.

Consequences of a Refusal to Submit to a Drug or Alcohol Test

The penalty for refusing to take a mandated test for drugs or alcohol by an employee or supervisor is immediate discharge from employment with the City. Applicants who have been offered a position, but who after such offer refuse to take a mandated test for drugs, shall not be employed by the City.

Alcohol Test Results of 0.04% BAC and Above

An employee or supervisor covered by this policy who tests 0.04% BAC or above will be:

* immediately removed from operating any of the equipment previously listed herein and be made aware of resources for solving alcohol problems;

The penalty for such a result, which is considered a positive alcohol test, is immediate discharge from employment with the City.

If returned to duty by an appeal authority, such employer or supervisor covered by this policy:

* shall undergo a return to duty alcohol test and receive a result indicating an alcohol concentration of less than 0.02% BAC, before returning to duty;

* shall be evaluated by a substance abuse professional (SAP) to determine that the employee has properly followed any rehabilitation program prescribed under the regulations;

* shall be subject to follow-up unannounced alcohol tests for up to 5 years, depending on the evaluation of the substance abuse professional.

Alcohol Test Results of 0.02% BAC or More But Less Than 0.04%

No employee or supervisor who is found to have a BAC of 0.02% or greater but less than 0.04% shall operate any of the equipment previously listed herein until the start of the employee's next scheduled duty period.

Drug Tests

An employee covered by this policy who tests positive for drugs shall:

* be immediately removed from the position of maintenance worker I, maintenance worker II, or maintenance worker III or supervisor of such employees;

* be made aware of resources for solving drug problems.

The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge from employment with the City. Employees whose drug test results are positive and who request a test of the second portion (of the split sample) will be suspended without pay until such time as the City receives the results of the second test. A negative result from the second drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursed for the cost of the second test.

If an employee is discharged for a positive drug test, but is returned to duty by an appeal authority or for any other reason, such employee shall:

* undergo a return-to-duty drug test with a negative test result;

* be evaluated by a SAP (substance abuse professional) to determine that the employee has properly followed any rehabilitation program prescribed under the regulations following the positive drug test;

* be subject to unannounced follow-up drug tests for up to 12 months, which may be extended to 60 months, depending on the evaluation of the SAP.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

* Alcohol
* Prescription drugs
* Over-the-counter drugs
* Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely.

People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

APPENDIX D

CITY OF SPRINGDALE
SALARY PLAN

CITY OF SPRINGDALE

Non-Uniform

GRADE / STEP TABLE LISTING

REVISED 11/29/2012 - 6% for Department Heads; 4% minimum

APPROVED BY CITY COUNCIL - DECEMBER 11, 2012

Grade Level	JESAP Point Range	80% Minimum Step 1	82.5% Step 2	85% Step 3	87.5% Step 4	90% Step 5	92.5% Step 6	95% Step 7	97.5% Step 8	100% Midpoint Step 9	102.5% Step 10	105% Step 11	107.5% Step 12	110% Step 13	112.5% Step 14	115% Step 15	117.5% Step 16	120% Maximum Step 17
99	2101-2200	70,786	73,061	75,345	77,627	79,910	82,194	84,476	86,760	89,043	91,326	93,609	95,893	98,175	100,459	102,742	105,025	107,308
98	2001-2100	68,112	70,301	72,497	74,694	76,891	79,088	81,285	83,482	85,679	87,876	90,073	92,269	94,466	96,663	98,860	101,057	103,254
97	1901-2000	65,438	67,540	69,651	71,761	73,872	75,983	78,093	80,204	82,315	84,425	86,536	88,647	90,757	92,868	94,978	97,089	99,200
96	1801-1900	62,763	64,780	66,804	68,829	70,853	72,877	74,902	76,926	78,950	80,975	82,999	85,024	87,048	89,072	91,097	93,121	95,145
95	1701-1800	60,089	62,020	63,957	65,896	67,833	69,772	71,711	73,648	75,587	77,524	79,463	81,400	83,339	85,276	87,215	89,154	91,091
31	1601-1700	57,415	59,259	61,112	62,963	64,815	66,667	68,519	70,370	72,222	74,074	75,926	77,778	79,630	81,482	83,333	85,185	87,037
30	1501-1600	55,854	57,600	59,345	61,091	62,836	64,582	66,327	68,073	69,818	71,563	73,309	75,054	76,800	78,545	80,291	82,036	83,782
29	1401-1500	53,064	54,723	56,381	58,039	59,697	61,356	63,014	64,672	66,330	67,989	69,647	71,305	72,963	74,622	76,280	77,938	79,596
28	1301-1400	50,274	51,845	53,416	54,987	56,559	58,130	59,701	61,272	62,843	64,414	65,985	67,556	69,127	70,698	72,269	73,840	75,411
27	1201-1300	47,484	48,968	50,452	51,936	53,420	54,903	56,387	57,871	59,355	60,839	62,323	63,807	65,291	66,774	68,258	69,742	71,226
26	1101-1200	44,694	46,091	47,488	48,885	50,281	51,678	53,075	54,471	55,868	57,265	58,661	60,058	61,455	62,852	64,248	65,645	67,042
25	1001-1100	41,904	43,214	44,523	45,833	47,142	48,452	49,761	51,071	52,380	53,690	54,999	56,309	57,618	58,928	60,237	61,547	62,856
24	951-1000	39,811	41,055	42,299	43,544	44,788	46,032	47,276	48,520	49,764	51,008	52,252	53,496	54,740	55,985	57,229	58,473	59,717
23	901-950	38,417	39,617	40,818	42,018	43,219	44,419	45,620	46,820	48,021	49,222	50,422	51,623	52,823	54,024	55,224	56,425	57,625
22	851-900	37,022	38,179	39,335	40,492	41,649	42,806	43,963	45,120	46,277	47,434	48,591	49,748	50,905	52,062	53,219	54,375	55,532
21	801-850	35,626	36,740	37,853	38,966	40,080	41,193	42,306	43,420	44,533	45,646	46,760	47,873	48,986	50,100	51,213	52,326	53,440
20	751-800	34,231	35,301	36,371	37,440	38,510	39,580	40,650	41,719	42,789	43,859	44,928	45,998	47,068	48,138	49,207	50,277	51,347
19	701-750	32,836	33,862	34,888	35,914	36,941	37,967	38,993	40,019	41,045	42,071	43,097	44,123	45,150	46,176	47,202	48,228	49,254
18	651-700	31,441	32,424	33,406	34,389	35,371	36,354	37,336	38,319	39,302	40,284	41,267	42,249	43,232	44,214	45,197	46,179	47,162
17	601-650	30,046	30,985	31,924	32,863	33,802	34,741	35,680	36,619	37,558	38,496	39,435	40,374	41,313	42,252	43,191	44,130	45,069
16	551-600	28,651	29,547	30,442	31,337	32,233	33,128	34,023	34,919	35,814	36,709	37,605	38,500	39,395	40,291	41,186	42,081	42,977
15	501-550	27,256	28,108	28,960	29,811	30,663	31,515	32,367	33,218	34,070	34,922	35,774	36,625	37,477	38,329	39,181	40,032	40,884
14	451-500	25,861	26,669	27,477	28,286	29,094	29,902	30,710	31,518	32,327	33,135	33,943	34,751	35,559	36,367	37,176	37,984	38,792
13	401-450	24,466	25,231	25,995	26,760	27,524	28,289	29,053	29,818	30,583	31,347	32,112	32,876	33,641	34,405	35,170	35,934	36,699
12	351-400	23,120	23,843	24,565	25,288	26,010	26,733	27,455	28,178	28,900	29,623	30,345	31,068	31,790	32,513	33,235	33,958	34,680
11	301-350	21,793	22,474	23,155	23,836	24,517	25,198	25,879	26,560	27,241	27,922	28,603	29,284	29,965	30,646	31,327	32,008	32,689
10	251-300	20,468	21,108	21,747	22,387	23,027	23,666	24,306	24,945	25,585	26,225	26,864	27,504	28,144	28,783	29,423	30,062	30,702

CITY OF SPRINGDALE

GRADE / STEP TABLE LISTING
UNIFORMED POLICE
APPROVED BY CITY COUNCIL - DECEMBER 11, 2012

Grade Level	Position Title	80% Minimum	82.5%	85.0%	90%	95%	100% Midpoint	105%	110%	115%	120% Maximum
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
56	Police Assistant Chief	$ 56,499	$ 58,265	$ 60,030	$ 63,562	$ 67,093	$ 70,624	$ 74,155	$ 77,686	$ 81,218	$ 84,749
55	Police Captain	$ 53,738	$ 55,418	$ 57,097	$ 60,456	$ 63,814	$ 67,173	$ 70,532	$ 73,890	$ 77,249	$ 80,608
54	Police Lieutenant	$ 45,458	$ 46,878	$ 48,299	$ 51,140	$ 53,981	$ 56,822	$ 59,663	$ 62,504	$ 65,345	$ 68,186
53	Police Sergeant	$ 39,246	$ 40,473	$ 41,699	$ 44,152	$ 46,605	$ 49,058	$ 51,511	$ 53,964	$ 56,417	$ 58,870
52	Police Detective	$ 33,357	$ 34,368	$ 36,389	$ 38,411	$ 40,433	$ 42,454	$ 44,476	$ 46,497	$ 48,519	$ 50,542
51	Police Officer	$ 31,895	$ 32,902	$ 34,837	$ 36,773	$ 38,708	$ 40,643	$ 42,579	$ 44,514	$ 46,450	$ 48,387

CITY OF SPRINGDALE

GRADE / STEP TABLE LISTING
UNIFORMED FIRE
APPROVED BY CITY COUNCIL - DECEMBER 11, 2012

Grade Level	Position Title	80% Minimum Step 1	82.5% Step 2	85.0% Step 3	90% Step 4	95% Step 5	100% Midpoint Step 6	105% Step 7	110% Step 8	115% Step 9	120% Maximum Step 10
69	Fire Assistant Chief	$ 59,259	$ 61,111	$ 62,963	$ 66,667	$ 70,370	$ 74,074	$ 77,778	$ 81,481	$ 85,185	$ 88,889
68	Division Chief	$ 56,499	$ 58,265	$ 60,030	$ 63,562	$ 67,093	$ 70,624	$ 74,155	$ 77,686	$ 81,218	$ 84,749
67	Battalion Chief	$ 53,738	$ 55,418	$ 57,097	$ 60,456	$ 63,814	$ 67,173	$ 70,532	$ 73,890	$ 77,249	$ 80,608
66	Fire Captain Paramedic	$ 47,181	$ 48,655	$ 50,130	$ 53,078	$ 56,027	$ 58,976	$ 61,925	$ 64,874	$ 67,822	$ 70,771
65	Fire Captain	$ 45,458	$ 46,878	$ 48,299	$ 51,140	$ 53,981	$ 56,822	$ 59,663	$ 62,504	$ 65,345	$ 68,186
64	FF/PM/Engineer	$ 39,061	$ 40,281	$ 41,502	$ 43,943	$ 46,385	$ 48,826	$ 51,267	$ 53,709	$ 56,150	$ 58,591
63	FF/Paramedic	$ 39,246	$ 40,473	$ 41,699	$ 44,152	$ 46,605	$ 49,058	$ 51,511	$ 53,964	$ 56,417	$ 58,870
62	FF/Engineer	$ 33,726	$ 34,780	$ 35,834	$ 37,942	$ 40,050	$ 42,158	$ 44,266	$ 46,374	$ 48,482	$ 50,590
61	FF/EMT	$ 31,895	$ 32,902	$ 34,837	$ 36,773	$ 38,708	$ 40,643	$ 42,579	$ 44,514	$ 46,450	$ 48,387

APPENDIX "E"

CITY OF SPRINGDALE
SAFETY ORIENTATION FORM

EMPLOYEE'S NAME _____

POSITION _____ DATE HIRED _____

Check One: New Employee Transfer Rehire Part-time

Circle Completed Items:

1. Purpose of orientation

2. Reporting accidents to supervisor immediately

3. Tour of facilities and equipment

4. First Aid
   A. Obtaining treatment
   B. Location of facilities
   C. Location and names of first aiders

5. Potential hazards on the job
   A. What they are
   B. How to use equipment safely
   C. Care and use of personal protective equipment

6. What to do in event of emergencies
   A. Exists location and evacuation routes
   B. Use of fire fighting equipment (extinguisher, hose)
   C. Specific procedures (medical, chemical, fire, etc.)

7. Health and Safety policies and procedures (Part VI of City Personnel Manual)

8. Personal work habits
   A. Proper lifting techniques
   B. Horseplay, good housekeeping, no smoking policy
   C. Safe work procedures
   D. Proper use of fitness equipment

9. Vehicle safety

We have discussed the items checked above. I will consciously try to perform my assigned duties safely.

_____ Date: _____
Employee's signature

_____ Date: _____
Supervisor's signature

APPENDIX "F"

CITY OF SPRINGDALE
EMPLOYEE SAFETY RESPONSIBILITIES

As an employee of the City of Springdale, I am responsible to:

1. Observe all City safety and health rules and apply the principles of accident prevention in my day-to-day duties.

2. Report any job-related injury, illness or property damage to my supervisor and seek treatment promptly.

3. Report hazardous conditions (unsafe equipment, floors, material) and unsafe acts to my supervisor, risk manager within my department or department head.

4. Observe all hazard warning and no smoking signs.

5. Keep aisles, walkways and working areas clear of slipping/tripping hazards.

6. Know the location of fire/safety exits and evacuation procedures.

7. Keep all emergency equipment such as fire extinguisher, fire alarms, fire hoses, exit doors, and stairways clear of obstacles.

8. Not report to work under the influence of alcoholic beverages or drugs nor to consume them while on company premises.

9. Refrain from fighting, horseplay, or distracting my fellow workers.

10. Remain in my own work area unless I am authorized otherwise.

11. Observe safe operating procedures for all equipment I am authorized to operate.

12. Follow proper lifting procedures at all times.

13. Ride as a passenger on a vehicle only if it is equipped with a rider's seat.

14. Be alert to see that all guards and other protective devices are in their proper places prior to operating equipment.

15. Not wear frayed, torn or loose clothing, jewelry, or long unrestrained hair near moving machinery or other sources of entanglement, or around electrical equipment.

16. Actively support and participate in the City's efforts to provide a safety and health program.

DISTRIBUTED TO: _____

DATE: _____ BY _____

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE EMPLOYEE SAFETY RESPONSIBILITIES FORM, AND THAT MY RESPONSIBILITIES WERE EXPLAINED TO ME.

_____ _____

Employee Date