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Adopted: March 1, 2016
Amended per Ordinance No. 17-24 on September 19, 2017
Amended per Resolution 01-18 on January 1, 2018
Amended per Resolution 43-20 on September 15, 2020
Amended per Resolution 68-21 on December 7, 2021
Amended per Resolution 74-22 on December 6, 2022

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CITY OF Siloam Springs

OFFICE OF THE CITY ADMINISTRATOR

August 2020

Dear City of Siloam Springs Employee:

In 2020 a detailed review and revision of the Employee Handbook was completed. The revisions and updates have been made in order to comply with changes in Federal, State, and local laws, as well as changes to internal policies and programs. The Handbook is designed to acquaint you with the City of Siloam Springs' policies and procedures that affect your employment with the City and provide you with information regarding employee benefits. It is also designed to inform you of the City's expectations of you as an employee. The most important thing that I hope this Handbook conveys to you is that the City views our employees as our greatest resource. We value our employees and their ability to work as a team accomplishing varied and sometimes difficult tasks; we value the excellent customer service that our employees provide, and we value their achievements. One of our many objectives is to ensure that our employees are provided with a work environment that is conducive to both personal and professional growth.

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

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

Sincerely,

Phillip R. Patterson
City Administrator

SECTION 1

INTRODUCTION

101 INTRODUCTORY STATEMENT*

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

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

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

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

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

102 HIRING

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

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

103 MISSION STATEMENT

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

104 DEPARTMENT POLICY

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

The City Administrator shall have the authority to establish administrative policies that may be applicable to all departments which are not less restrictive than the overall personnel policies of the City. Such administrative policies shall be considered as part of this Employee Handbook.

SECTION 2
EMPLOYMENT

201 EMPLOYMENT AT-WILL

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

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

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

202 EMPLOYEE RELATIONS

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

203 EQUAL OPPORTUNITY EMPLOYMENT

The City is an equal opportunity employer. As such, and in accordance with applicable law, the City will not discriminate against any employee or applicant for employment on the basis of race color religion age, disability unrelated to job requirements, genetic information, gender, sex, sexual orientation, age, national origin, disability, genetic information, political status, marriage status, veteran's status, member of the military or national guard, status as a qualifying patient or designated caregiver or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution or other applicable federal, state or local laws.. The City's commitment in this regard extends to all employment related decisions and terms of conditions of employment, including; hiring, promotion, termination, layoff, recall, transfers, leave of absence, compensation, and training.

204 ANTI HARASSMENT AND DISCRIMINATION: PROHIBITED CONDUCT

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

While it is not easy to define precisely what harassment is, it refers to an annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of the employee's

membership in any legally protected class or for some other trait the employee was born with (i.e. race, sex, age, religion, national origin, disability, any other trait protected by law). Such harassment may be considered a violation of federal and/or state law.

Employees should know not to participate in, and not tolerate, the following types of protected class harassment regardless of whether the harasser is a co-worker, supervisor, citizen, or any other person with whom the employee's job brings him or her into contact with. Discrimination or harassment can take many forms and can include, but not be limited to:

- Slurs, verbal abuse, or ridicule. This includes epithets, derogatory comments, jokes, innuendos, unwelcome compliments, pictures, or negative comments because of the employee's protected class membership.
- Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interferences with the work directed at an individual because of an employee's protected status.
- Displaying or distributing offensive materials. This includes derogatory or sexual posters, cartoons, emails, calendars, magazines, drawings, or gestures.
- Discriminating against any employee in work assignments or job-related training because of the above referenced bases.
- Unwanted, intentional physical contact, whether it be sexual in nature or other nature.
- Making protected status innuendos.
- Requesting favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion transfer, or any other term of employment.
- Gender-based harassment, including sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions.
- Retaliation for having reported harassment.

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

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- Has the purpose or effect of unreasonably and adversely affecting an individual employment opportunity.

Or where:

- Submission to the conduct is made either an implicit or explicit condition of employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision; or
- The harassment interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

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

The City recognizes that employees may socialize or interact outside of work. Such interactions can impact what employees think of each other and how they interact at work. As a result, all employees

should be aware of this policy in any interaction with co-workers, whether inside or outside of the workplace or work hours.

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

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

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

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

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

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

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

include a written warning, additional training, reassignment, probation, suspension or termination of the offender.

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

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

Employees who have been subjected to harassment are encouraged to come forward and report it so the City can take action to stop the problematic behavior. Harassment behavior is harmful to others and will not be tolerated. Conversely, if false accusations are proven to be intentionally made against others by an employee who knows (or has reason to know) that the allegations are false, this would be considered equally harmful by the City, and as is the case of someone proven to be harassing others – will result in appropriate disciplinary action.

205 REASONABLE ACCOMMODATION

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

206 HIRING OF RELATIVES/NEPOTISM

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

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

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

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

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

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

207 EMPLOYEE MEDICAL EXAMINATIONS

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

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

208 GENETIC INFORMATION

The City shall not request or require genetic information from an individual or family member, except as specifically allowed by the Genetic Information Nondiscrimination Act of 2008 (GINA).

209 IMMIGRATION LAW COMPLIANCE

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

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

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

210 CONFLICTS OF INTEREST

Employees have an obligation to conduct City business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact your Department Head for more information or if you have questions regarding conflicts of interest.

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

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

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

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

211 OUTSIDE EMPLOYMENT

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

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

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

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

212 RESIDENCY

There is no residency requirement for employees of the City of Siloam Springs. Response time for those positions that may be on-call will vary by department based on the need of the City. Each department may adopt a response time requirement for those subject to being on-call.

SECTION 3

EMPLOYMENT STATUS AND RECORDS

301 EMPLOYMENT APPLICATIONS

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

302 EMPLOYMENT CATEGORIES

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

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

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

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

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

303 30-DAY WAITING PERIOD FOR GROUP BENEFITS

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

Benefits eligibility and employment status are not changed for Social Security and Workers Compensation when the employee transitions from a full-time to part-time position, or from a part-time to full-time position.

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

304 ACCESS TO PERSONNEL FILES

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

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

305 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify his or her Department Head of any changes in personal mailing address, telephone number, marital status, number of dependents for tax withholding or insurance purposes, emergency contacts, and educational accomplishments. The Department Head shall have the employee complete the appropriate forms detailing the changes and forward such forms to Human Resources.

306 COMPENSATION

The Compensation Plan is an informal system for classifying positions. The Wage Program relates to pay increases, promotions, and performance reviews,

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

The Compensation Plan shall not be read as creating vested rights in any person, or as altering the "at will" basis of all City employment.

Wage Program: This is a group of policies that determine pay increases based on promotions and performance reviews.

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

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

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

Annual Pay Adjustments and Reviews. The City strives to recognize good performance and provide employees with suggestions for improvement when necessary. Consistent with this goal, an employee’s performance should be evaluated by their Supervisor on an on-going basis. Written performance reviews should be conducted annually as determined by the City Administrator.

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

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

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

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

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

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

considered to be below requirements and any number above three (3) is considered to be above the requirements.

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

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

Employees whose performance is consistently below average should generally receive a "below the average" increase, or no increase at all. Employees whose performance is evaluated as consistently above average may receive an "above the average" increase.

Each department is typically given a determined annual average increase as part of the annual budget process approved by the Board of Directors. That budget percentage is the guideline used to determine a standard pay increase. Employees who are at the maximum of their wage range are not eligible for a pay increase. The City Administrator may give a performance bonus in line with the standard wage increase as determined by the Board of Directors. Any such performance bonus will be subject to the employee's performance evaluation, and will be paid quarterly in the calendar year.

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

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

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

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

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

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

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

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

As a result of these changes, employees can have their wages affected in two ways. First, employees who were previously “Topped Out” may now be eligible for an annual increase at budget preparation time. Second, employees who were previously in the range, and now fall below the minimum range, may receive an increase to get them to the minimum of the new range.

Transfers:

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

Voluntary Transfers to Lower Paid Position. If an employee requests a voluntary transfer to a different position in a lower wage range, the wage offered may be equal to or less than their current wage. In most cases, a reduction in wage should accompany the reduction in range. To guard against “compression”

problems that may be created with the wages of other employees, Department Heads should take into consideration the wages of other employees already in the department, and also the candidate's current anniversary date. The employee's transfer date should become his/her new anniversary date for the purpose of determining the timing of future pay adjustments. A performance review should be completed to close out the period in the former position. The employee should sign an acknowledgement of wage change.

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

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

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

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

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

Reclassification of Positions. Department Heads may submit a request for a reclassification of a current position in their department at any time to Human Resources. The reclassification may be requested because the position is thought to have been incorrectly classified originally, or because a substantial change is thought to have occurred in the duties and responsibilities assigned to the position. Whether or not there is an incumbent in the position at the time, the decision as to whether a reclassification is appropriate should be based on what the position should be, not on the qualifications of any incumbent. The Department Head should work with Human Resources, following the steps outlined above. Requests

for reclassifications of positions from non-exempt (or hourly) to exempt (or salaried) must be evaluated in light of the requirements of the laws which establish criteria for which positions properly are exempt.

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

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

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

307 PERFORMANCE EVALUATION

Annual Evaluation: Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage, and recognize strengths, and discuss positive purposeful approaches for meeting goals.

308 EMPLOYEE REFERENCE CHECKS

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

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

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

309 RESIGNATION/TERMINATION

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

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

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

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

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law. Employees are responsible for all property, materials, or written information issued to them or in their possession or control.

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

SECTION 4

BENEFITS

401 EMPLOYEE BENEFITS

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

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

- Accident Insurance
- Bereavement Leave
- Cancer Insurance
- Citizenship Leave
- Group Health Continuation Coverage (COBRA)
- Catastrophic Leave/Donation Program
- Credit Union
- Deferred Compensation
- Employee Assistance Program
- Family Medical Leave
- Health Insurance (Major Medical, Dental, Vision)
- Holidays
- Life/Accidental Death & Dismemberment Insurance - City paid and voluntary
- LOPFI
- Long-term Disability
- Longevity Pay
- Short-term Disability - City paid and voluntary
- Sick Leave
- Vacation
- Vehicle

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

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

As previously noted, the benefits described in this handbook are governed by a formal insurance policies or written benefit plan, as well as an accompanying summary plan description. In the event of any conflict between the benefit descriptions in this handbook and the formal insurance policy or written benefit plan

and summary plan description, the formal insurance policy or written benefit plan and summary plan description will control.

402 HEALTH INSURANCE

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

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

If an employee is enrolled in the City's medical insurance program when the employee retires, and if the employee has at least 20 continuous years of service, then the retiree and the retiree's eligible dependents may continue participating in the City medical insurance program until the retiree is eligible for Medicare.

If the employee retires before age 62, the City will be responsible for 40% of both employer and employee contributions, the retiree will be responsible for the remaining 60% and the additional cost to cover eligible dependents.

If the employee retires on or after age 62, then the City will be responsible for the cost of both employer and employee contributions of the retiree's medical premium, and the retiree will be responsible for the additional cost to cover eligible dependents.

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

If the retiree wishes to drop coverage for a time, and then would like to resume their medical coverage, a written request should be submitted to the City Administrator for consideration. If approved, a letter from the City Administrator will be sent to the retiree and a copy is to be kept in their benefit file.

The City expressly reserves the right to discontinue or terminate its medical insurance program at any time. No employee, dependent, or beneficiary shall have or attain any vested right, contractual or otherwise, to any further contributions after the City has discontinued or terminated the medical insurance program.

Retirees who participate in the City's medical insurance program will have their insurance dropped, and that of any eligible dependent, should the retiree fail to pay his or her portion of the insurance premium in full within 30 days after being provided with a notice to pay any amount in arrears.

403 VACATION BENEFITS

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

The vacation time of Uniformed Employees is prescribed by state law. Uniformed police personnel are eligible to accrue 15 days of vacation per year during the first 5 years of service; and 20 days of vacation beginning in the 6th year of service, and each year thereafter.

Uniformed fire department personnel accumulate vacation in terms of 24- hour shifts. Firefighters are eligible to accrue 7 shifts of vacation per year during the first 5 years of service. Firefighters are eligible for 10 shifts of vacation beginning in the 6th year of service, and each year thereafter. Uniformed fire department personnel that normally work an 8-hour shift accumulate vacation leave as shown in the schedule below:

<u>Years of Service</u>	<u>Amount of Vacation</u>
1-5 years	120 hours
6 years or greater	160 hours

Non-uniformed employees are eligible for vacation time only if they are full-time employees. Their vacation time increases with their years of service, as shown in the schedule below:

<u>Years of Service</u>	<u>Amount of Vacation</u>
1-5 years	80 hours
6-10 years	120 hours
11 years or greater	160 hours

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

An employee is eligible to use their accrued vacation following 30 days of service. Vacation time must be used in one-hour increments. Vacation time must be pre-approved by the employee's Supervisor. The use of vacation time before its accrual is prohibited. (To take vacation, employees should request advance approval from their Supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.)

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

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

When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual

will begin again. The cap equals two times the employee's annual vacation accrual, based upon the employee's years of service.

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

404 DEFERRED COMPENSATION

The City's deferred compensation plan is comprised of three parts: a 457b Plan for the employee's contributions, a 401a Plan for the City's contributions and a Roth IRA for the employee's voluntary contribution. Upon completion of the introductory period, a new full-time employee may make contributions to the 457b Plan, up to the limits established by law. After 12 months of continuous, full-time service, enrollment in the 457b Plan is mandatory for all eligible employees. Upon mandatory enrollment, the employee will be required to contribute at least 3% of the employee's gross earnings into the 457b Plan; in addition, the City will be required to make a contribution into the 401a Plan. Effective December 26, 2022, the City's contribution into the 401a Plan will change to 12% of the employee's gross earnings, subject to the exemption below. The City sponsors these deferred compensation plans under Section 457 (the "457b Plan") and Section 401 (the "401a Plan") of the Internal Revenue Code. The retirement plans are described in full detail in the corresponding plan summaries, which are available upon request or online.

Due to their eligibility to participate in a state retirement plan, the following employees are exempt from the 457b Plan mandatory participation requirement:

- Employees that are eligible to participate in the Arkansas Local Police and Fire Retirement System (LOPFI);
- Employees that are eligible to participate the Arkansas Public Employees Retirement System (APERS); and
- Employees that are entitled by an act of the State to retirement benefits whereby such employee is provided the option of choosing to participate in the retirement benefit as required by the State, or that provided by the City, will be exempt from the 457b Plan mandatory participation requirement if the employee chooses to participate in the retirement benefit as required by the State.
- For those employees who are exempt from the 457b Plan mandatory participation requirement, the City is not required to contribute to the 401a Plan on behalf of that employee. However, nothing herein prohibits an employee who is exempt from the mandatory participation requirement from voluntarily contributing to the employee's own 457b Plan or Roth IRA.

Exemption: Existing employees hired or promoted into any of the positions listed below prior to December 26, 2022, shall retain contributions outlined as follows for the remainder of their tenure with the City, and shall not be reduced if promoted or transferred laterally:

- City Administrator – 18%
- Professional exempt status – 15%
- Department Heads – 15%

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

405 HOLIDAYS

All full-time employees are entitled to the following paid recognized holidays:

1. New Year's Day – January 1
2. Dr. Martin Luther King Jr.'s and Robert E. Lee's birthdays – Third Monday in January
3. President's Day – Third Monday in February
4. Good Friday – Friday before Easter
5. Memorial Day – Last Monday in May
6. Independence Day – July 4
7. Labor Day – First Monday in September
8. Veterans Day – November 11
9. Thanksgiving – Fourth Thursday in November
10. The day after Thanksgiving
11. Christmas Eve – December 24
12. Christmas Day – December 25

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

In addition to the above holidays, each full-time employee, who is eligible for benefits on January 1st, will receive one floating holiday in each calendar year. Time off for the floating holiday must be scheduled with the prior approval of the employee's Supervisor.

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

Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. If a non-exempt employee works on a recognized holiday, the employee will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday; **except** uniformed police and fire department employees whose holiday pay is included in their base pay and is paid on regular checks. Non-exempt sworn police officer's holiday pay will not be included in their base pay, instead employees will receive a lump sum payment at the end of the year. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

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

406 SICK LEAVE BENEFITS

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

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

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

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

Sick Leave Accrual and Use

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

- non-exempt uniformed fire department employees accrue 24 hours of paid sick leave for every full month of service;
- uniformed police department employees accrue 13.33 hours for every full month of service.

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

An exempt employee who has worked at least part of the day and is also ill part of the day does not have to use sick leave for the hours absent that day.

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

- for non-exempt uniformed fire department employees, the maximum carryover is 1,440 hours (60 24-hour shifts)
- for uniformed police department employees the maximum carryover is 798 hours (66.5 12-hour shifts)

- for all other employees, the maximum carryover is 480 hours (60 8-hour shifts)

If an employee has been employed for the entire calendar year in a full-time position and used no sick leave within that calendar year, then the employee will be awarded two days of vacation time for the following calendar year; if the employee used no more than eight hours or one shift of sick leave within that calendar year, then the employee will be awarded one additional day of vacation time for the following year.

Cashing Out Sick Leave

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

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

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

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

Misuse of Sick Leave

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

407 PERSONAL LEAVE OF ABSENCE

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

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

Please contact Human Resources for more information on request procedures.

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

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.**

408 CATASTROPHIC LEAVE ANDDONATION PROGRAM

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

409 CITIZENSHIP LEAVE

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

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

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

The City will continue to provide the employee's benefits for the full term of the jury duty absence. Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

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

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

410 CONTINUATION COVERAGE (COBRA)

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

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

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

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

Special Extended Coverage for Certain Disabled Employees:

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

Second Qualifying Event:

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

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

411 BEREAVEMENT LEAVE

It is the City’s intent to allow full-time employees 24 hours of paid bereavement leave for the death or imminent death of an immediate family member. Employees who work 12-hour shifts will receive 36 hours, and those who work 24-hour shifts will receive 48 hours of paid bereavement leave. If lengthy travel is involved, the City Administrator may grant travel time in addition to the bereavement leave. Request for such additional time must be submitted to Human Resources for approval by the City Administrator. Department Heads may grant emergency leave of no more than one day for an eligible employee to serve as a pallbearer at or attend a funeral of someone not within the immediate family.

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

For purposes of bereavement leave, the City defines “immediate family” as the employee’s and employee’s spouse’s, child, parent, sibling, grandparents, grandchild, or child’s spouse.

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

412 FAMILY AND MEDICAL LEAVE ACT (“FMLA”) LEAVE

Eligibility

Any employee who:

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

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

Reason for Leave

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

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

- Reason 1: to care for a son, daughter, spouse, or parent who has a serious health condition.
- Reason 2: to care for a newborn son or daughter during the first 12 months after birth.

Reason 3: to care for a son or daughter placed for adoption or foster care, during the first 12 months after placement.

Reason 4: to care for a son, daughter, spouse, parent or next of kin who is a Covered Service member. A Covered Service member means a person who:

- is a member of the Armed Forces (including the National Guard and Reserves) who is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status or
- on the temporary disability retired list, for a serious injury or illness – meaning the illness or injury was incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by the service in the line of duty on active duty), and renders the member medically unfit to perform the duties of the member’s office, grade, rank or rating, or
- is a veteran who was discharged or released under conditions other than dishonorable and was a member of the Armed Forces (including the National Guard and Reserves) during the 5 years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness – meaning the injury or illness was incurred in the line of duty on active duty in the Armed Forces and is “qualifying” as defined by the Secretary of Labor. (See C.F.R §§825.122 and 825.127(b)(2).)

Reason 5: because of any “qualifying exigency” arising from the fact the employee’s spouse, son, daughter or parent is on federal active duty in or has been notified of an impending call or order to federal active duty in a foreign country. “Qualifying exigencies: may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

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

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

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

Requesting a Leave

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

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

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

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

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

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

Intermittent and Reduced Schedule Leave

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

If an employee needs intermittent or reduced schedule leave due to planned medical treatment, the employee must attempt to schedule planned medical treatment so as not unduly to disrupt the City’s operations, subject only to the availability and approval of the health care provider and the department head.

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

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

Certification

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

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

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

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

Amount of Leave

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

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

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

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

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

Compensation During Leave

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

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

Group Health Plan Coverage During Leave

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

Other Benefits While On Leave

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

Recertification and Periodic Updates

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

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

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

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

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

Return to Work

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

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

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

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

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

Failure to Return to Work

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

The City reserves the right to require medical certification if an employee states he/she is not able to return due to the continuation, recurrence, or onset of a serious health condition.

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

Miscellaneous

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

413 MILITARY LEAVE

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

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

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

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

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

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

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

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

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

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

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

Period of Service	Submit application
30 days or less	During the regularly scheduled work period that begins at least 8 hours after arriving home.
31 – 180 days	Within 14 days after completing service. If it is impossible or unreasonable to comply within this time period, the application must be submitted the calendar day after it is possible to do so.
181 days or more	Within 90 days after completing service.

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

414 SHORT-TERM DISABILITY

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

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

415 LONG-TERM DISABILITY

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

416 WORKERS’ COMPENSATION INSURANCE

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

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

417 LIFE / ACCIDENTAL DEATH & DISMEMBERMENT (“AD&D”)

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

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

In addition to the above, the City provides the city administrator, department heads, and division managers/supervisors accidental death and dismemberment insurance through the Arkansas Municipal League’s group policy for city management personnel.

418 LONGEVITY PAY

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

419 LOPFI

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

420 CITY VEHICLE

The City provides a vehicle to the City Administrator. The City Administrator is permitted to use the vehicle 24 hours per day.

421 TUITION ASSISTANCE

The Tuition Assistance Program is to assist employees in enhancing their job skills and abilities through education. Tuition assistance is limited to those courses that are directly related to the employee's current position. The City makes this investment in the employee with the expectation that it will improve the employee's productivity and the employee is committed to continued employment with the City.

Eligibility

To be eligible for tuition assistance, employees must meet the following criteria:

- Be a regular full-time employee.

- Have 12 months of continuous employment with the City.
- Complete 24 months of employment with the City following course completion.
- Complete coursework through an accredited educational institution.

Policy

Degree programs must be directly related to the employee's duties.

Employees who meet the criteria as set forth in this policy may be reimbursed up to 100% for tuition, subject to availability of funding in the City's annual operating budget, and with Department Director approval.

It is the responsibility of each Department Director to project the number of employees in their department who will participate in the Tuition Assistance Program each year. The Department Director may limit the number of courses an employee may take or reduce the percentage reimbursed for tuition for budgetary reasons.

Procedure

Employees who want to participate in the Tuition Assistance Program shall complete a tuition assistance request form and submit it to their Department Director for approval prior to commencement of any coursework. In addition, the employee will submit an executed Agreement and Certification form, provided by Human Resources. Approval will be determined by the Department Director and Human Resources. Employees are responsible for payment of the course work's tuition. The City will reimburse the eligible employee in arrears for approved expenses.

The Department Director will forward the tuition assistance request form to Human Resources for final review. Human Resources will verify that the form is complete with all appropriate signatures and whether the course is directly related to the employee's position. Human Resources will be responsible for returning a copy of the final determination to the appropriate Department Director. The Department Director will notify the employee as to the approval or disapproval of tuition reimbursement.

Should an employee separate from City service prior to the 24-month continued employment period, the employee will repay the City-paid tuition assistance according to their approved agreement with the City.

Within thirty (30) calendar days after the published course completion date, the employee must forward an approved reimbursement request form along with evidence of satisfactory completion of the course(s) and a receipt for tuition to the Department Director, who will then submit the request to the Finance Department for payment.

Failure to submit appropriate documents within time limits indicated in this policy may result in denial of tuition reimbursement for course(s).

Limitation on Reimbursement

The City will only provide reimbursement for tuition costs, except that reimbursement may, in the City's sole discretion, be provided for material costs if the material is permanently donated to the City for future reference.

To be eligible for reimbursement employees must complete all course work with a "C" grade or higher, or a pass in a pass/fail system. For courses in which letter grades are not given, the employee shall obtain a letter from the instructor certifying satisfactory completion of the course.

Employees who are receiving financial assistance from sources other than the City for which there is no repayment obligation will have their City tuition reimbursement reduced by those amounts. Examples of financial assistance programs would be scholarships or grants.

Department Director's may adjust an employee's work schedule so that they may attend degree and non-degree related courses.

Education Leave

When recommended by the Department Director and approved by the City Administrator, an employee may be granted educational leave without pay for a period not to exceed 90 days. To approve such leave the City Administrator must determine that the education being pursued is sufficiently related to the employee's work as to be of benefit to the City.

SECTION 5

PAYROLL AND TIMEKEEPING

501 TIMEKEEPING

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

Non-exempt employees should accurately record the time they:

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

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

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

Non-exempt employees should report to work immediately prior to their scheduled starting time and stay no more than 15 minutes after their scheduled stop time without express, prior authorization from their Supervisor.

Time records shall be entered by each employee, approved by designated supervisor, and forwarded to payroll. Employees may view pay stubs electronically.

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

502 PAYDAYS

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

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

503 SEVERANCE PAY

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

504 PAY ADVANCES

The City does not provide pay advances.

505 PAY DEDUCTIONS

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

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

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

For Exempt Employee Pay

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

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

- 1) Jury duty
- 2) Attendance as a witness
- 3) Temporary military leave
- 4) Absences caused by the employer
- 5) Absences caused by the operating requirements of the business.
- 6) Partial day of absence other than those specifically discussed below.

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

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

506 PAY CORRECTIONS

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

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

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

507 STANDBY PAY/ON CALL TIME

The City Administrator will designate a set amount (i.e. \$25.00/day) for on-call time. A minimum of 2 hours will be paid for the time worked by the employee on call.

SECTION 6

WORK CONDITIONS AND HOURS

601 SAFETY

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

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

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

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

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

602 CITY PROVIDED CELL PHONES

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

603 COMPUTER USER AND USE OF ELECTRONIC MEDIA AND ELECTRONIC EQUIPMENT

The general standards of ethics and conduct expected of a City employee also apply to the use of City computer and other electronic resources. Such resources are available to employees to assist in achieving organizational goals. Users are expected to cooperate with each other to promote the most effective use of these resources, and users will be held accountable for their actions involving computers and other electronic resources (such as voice mail, faxes, cell phones, etc.), as they would be in other situations.

The City is the owner of all e-mail addresses in its registered domains. Also, all electronic communication systems, and all communications and stored information transmitted, received, or contained in the City's

telephone, fax, and computer systems, are the property of the City. As such, they are to be used for job-related purposes. The use of such equipment, software or information for personal purposes is strongly discouraged.

However, the City recognizes that occasional, brief personal use of this equipment or software may occur. Such use will be tolerated as long as it is infrequent, on an employee's personal time, does not interfere with the employee's work or that of others, involves only equipment the employee is authorized to use, and conforms with this and other City policies. Employees using City equipment or software for personal purposes do so at their own risk.

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

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

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

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

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

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

All computers must be kept both software legal (meaning the appropriate license for use has been obtained) and virus free. As a result, no employee may copy any software from or load any software onto

any City computer without proper authorization from the Information System Administrator. Employees should contact the Information Systems Administrator if they have any questions. Download sources can include any hardware or software sources such as CD or USB storage, network drives, internet, or any other network accessible download site. Authorized software includes that purchased by the City or software used to open certain common files such as Adobe Reader, Flash, etc., and may require operational, security, or other types of updates. Users should use care when performing updates and should contact Information Systems if assistance is needed.

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

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

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

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

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

9. Never upload, download, or otherwise transmit copyrighted software or other copyrighted material belonging to the City or another party, unless properly authorized to do so. City resources shall not be used for downloading, storing, or distributing pirated software, music, or images. All employees should be sensitive to this concern and, if there is any doubt as to whether something may properly be uploaded, downloaded, or copied, first check with the Information System Administrator.
10. Never intentionally interfere with the normal operation of the network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network. Also, users should routinely remove unnecessary files, e-mails and documents in order to preserve system resources.
11. Never incur any fee or cost in connection with Internet activity unless work related and approved in advance by the Supervisor.

Encryption

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

Approved Data Storage

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

Physical Computer Security

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

Steps to follow include:

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

Miscellaneous.

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

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

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

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

604 WORK SCHEDULES/ATTENDANCE AND PUNCTUALITY

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

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

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

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

Recommended Hours of Work

DEPARTMENT	BEGIN	END	MEAL
Administration	8:00	5:00	Hour
Animal Services	8:00	5:00	Hour
Airport	8:00	5:00 (on call 24/7)	
Cemetery	8:00	5:00	Hour
Community Development	8:00	5:00	Hour

Electric	8:00	5:00	Hour
Fire	Shifts designated by Department Head		
Library	8:00	7:00	Hour
Maintenance	7:30	4:00	½ Hour
District Court	8:00	5:00	Hour
Parks and Recreation	8:00	5:00	Hour
Police	Shifts designated by Department Head		
Sanitation	8:00	4:30	½ Hour
Street	7:00	3:30	½ Hour
Water	8:00	4:30	½ Hour
Water Service	8:00	4:30	½ Hour
Wastewater	7:30	4:00	½ Hour

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

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

605 SMOKING

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

606 MEAL PERIODS

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

607 OVERTIME

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

Each full-time employee is required and expected to work a forty (40) hour weeks. Non-exempt employees will be paid overtime pay for any time worked over 40 hours in one workweek. Fire department personnel will be paid overtime after working one hundred twelve (112) hours; police officers will be paid overtime

after working eighty-six (86) hours per pay period. Overtime pay is at 1.5 times the regular hourly rate of pay (time and one-half). Exception: The City has the option of paying overtime pay or of giving “comp time” off.

Accepting employment with the City means the employee consents to the policy. Compensatory time accrues at a rate of 1½ hours for each hour worked over and above the ordinary number of hours in an employee’s regular work week. The maximum amount of compensatory time off that can be accrued by any employee is the ordinary number of hours for which the employee is scheduled in one workweek. All compensatory time accrued and taken must be reported to the payroll office for processing.

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

608 USE OF EQUIPMENT AND VEHICLES

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

Anyone driving on City business or driving a City vehicle must wear his/her seat belt as well as anyone in the vehicle with the employee.

Employees are required to notify their Supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee’s responsibility for maintenance and care of equipment or vehicles used on the job.

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

609 EMERGENCY CLOSINGS

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

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

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

610 BUSINESS AND TRAVEL EXPENSES

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

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

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

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

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

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

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

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

611 RECYCLING

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

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

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

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

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

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

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

Whenever possible, employees with authority to make purchases are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases the markets for recyclable materials. By recycling, the City is helping to solve

trash disposal and control problems facing all of us today. If you have any questions or new ideas and suggestions for the recycling program, contact the Solid Waste Department.

SECTION 7

EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

701 EMPLOYEE CONDUCT AND WORK RULES

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

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

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

702 DRUG AND ALCOHOL POLICY AND PROCEDURES

Purpose

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

Prohibited / Required Conduct

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

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

Violation of any of the prohibitions or requirements listed above or any other requirement of this policy constitutes misconduct and will subject the employee to disciplinary action, up to and including

termination. Any applicant who violates any of these prohibitions or requirements will be disqualified from consideration for employment.

Policy – Physical Fitness and Examinations

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

The Omnibus Transportation Employee Testing Act of 1991

It is the City of Siloam Springs intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all City employees who jobs require a CDL. The tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow-up testing. The City of Siloam Springs will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Siloam Springs the City's written substance abuse policy. CDL drivers are required to read this material and sign an acknowledgment of receipt.

Post Accident Testing

As soon as practical following an accident involving a City motor vehicle, and any other accident as determined by the City Administrator, the City shall test for alcohol and controlled substances for each

driver and employee shall not drive a City-owned vehicle or equipment until a negative drug screen has been received by HR.

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

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

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

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

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

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

Procedure Blood/Urine/Breath Test for the Presence of Alcohol and Drugs

1. In testing for the presence of alcohol, the City shall utilize a generally excepted breath or blood test procedure, which produces quantitative results showing the amount of alcohol in the blood. When such tests are performed, the threshold level for determination of an employee being under the influence of alcohol shall be .04 or more percent by weight of alcohol in the blood sample tested.
2. In testing for the presence of drugs, the City shall in the first instance utilize an immunochemical assay or radioimmunoassay test on the employee's urine. If the test is positive for drug, the same urine specimen shall be subjected to a further confirmatory test using the gas chromatography, thin layer chromatography or gas chromatography/mass spectrometry method for verification.

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

Corrective Action

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

the employee shall be required to take a physical examination, which shall include a blood or urine test for the presence of alcohol and/or drugs. The returning employee shall be placed on a probationary status for a period of one (1) year after his/her return to City employment.

During the one-year probationary period, the City may require the employee to take unannounced blood, urine, or breath tests for the presence of alcohol and/or drugs. A positive test result on such a test or refusal to fully cooperate will result in disciplinary action, up to and including termination.

703 SECURITY INSPECTIONS

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

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the City. Accordingly, they will not be inspected without either consent or at least reasonable suspicion that it contains some form of contraband (such as stolen items, illegal drugs, or any items prohibited by City policy).

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

704 PERSONAL APPEARANCE

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

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

For example, a small stud (almost indiscernible) in the employee's nose may be acceptable but the employee's position will dictate as to the appropriateness. Tattoos may be acceptable depending on the employee's position and interaction with the citizens of Siloam Springs. The City Administrator reserves the right to make the final determination of the appropriateness of any piercing or tattoo. The purpose of these appearance standards is to promote a comfortable working environment that is free of unnecessary distraction. Employee's dress and grooming should not draw attention to or interfere with the performance of work duties. Employees who report to work inappropriately groomed or attired may be asked to leave

and change into acceptable clothing. In these situations, to the extent permitted by applicable law, the time away from work is without pay.

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

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

705 LIFE THREATENING ILLNESS IN THE WORKPLACE

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

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

706 SOLICITATION/DISTRIBUTION/POSTINGS

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

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

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

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

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

- Legal Posters and Notices

707 REVIEW OF DISCIPLINARY ACTION/GRIEVANCE PROCEDURE

Progressive Discipline

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

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

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

The following outlines The City's progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time to be determined by the Department head. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.
- The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

Grievance Procedure

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

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

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

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

SECTION 8

MISCELLANEOUS INFORMATION

801 SEVERABILITY

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

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

802 CONCLUSION

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

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

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

WELCOME TO THE CITY OF SILOAM SPRINGS!

**ACKNOWLEDGMENT
OF RECEIPT**

EMPLOYEE ACKNOWLEDGMENT OF RECEIPT

THE CITY OF SILOAM SPRINGS EMPLOYEE HANDBOOK

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

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

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

Employee's Signature

Date

Employee's Name (Printed or Typed)