

# CITY OF JACKSONVILLE

# PERSONNEL POLICY MANUAL



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## **1.1 PURPOSE**

This Policy Manual (hereinafter referred to as “Manual”) contains policies, practices, and procedures necessary to implement and administer the City of Jacksonville’s (hereinafter referred to as “City”) Personnel system. By adopting this Manual, the City Council endeavors to achieve consistent treatment for all employees through the establishment of standardized guidelines and systematic procedures. This Manual does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

## **1.2 SCOPE**

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

## **1.3 AT WILL EMPLOYER**

The City is an at-will employer, meaning that the City or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his/her intent to discontinue the employment relationship. All employment relationships with the City are on an at-will basis. Thus, although the City hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision. This Manual is not intended to create any contractual or other legal rights, and it does not alter the City’s at-will employment policy nor create an employment contract for any period of time for any person.

## **1.4 AMENDMENTS AND REVISIONS**

This Manual may be amended and revised periodically as necessary at the direction of the Mayor and/or City Council. Since personnel practices and procedures are in a constant state of change, the City will continuously review this Manual for amendments or revisions which might better serve the needs of the City and its employees. As such, this Manual has been designed to be routinely updated and amended as the need arises.

The City shall have the exclusive right to change, alter, delete, add, or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to personnel policies shall be approved by the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this Manual, with all employees recognizing and acknowledging that advance notice may not always be possible. This Manual supersedes all previous manuals, letters, memoranda, ordinances, resolutions, and understandings unless otherwise noted.

## **1.5 POLICY STATEMENT**

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

## **1.6 CONFLICTS**

The policies in this Manual will be followed unless they are found to conflict with local, state or federal.

## **1.7 SEVERABILITY**

Should any of the provisions contained in the Manual be found contrary to federal, state, or local law, remaining provisions of this Manual shall continue in full force and effect. To the extent that any law provides additional or different benefits or rights to employees, the provisions of this Manual shall be deemed to include those provisions of law.

## **1.8 POLICY CHANGES**

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

## **1.9 DISTRIBUTION LIST**

A copy of this Manual and all subsequent revisions or amendments shall be distributed to all employees, elected, and/or appointed City officials.

## **1.10 EQUAL OPPORTUNITY EMPLOYER**

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



## 1.11 DEFINITIONS

- ↪ **Employee-** An individual who is compensated by, and provides a service to, the City regardless of the number of hours of work performed during any given time period or the length of the term of employment. The term “employee” shall not include any elected official, any voluntary, appointed member of any City Board, Commission or Authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.
- ↪ **Exempt Employee-** An employee who is not eligible for overtime compensation as defined by the Fair Labor Standards Act (FLSA).
- ↪ **Non Exempt Employee-** An employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.
- ↪ **Uniformed Employee-** Defined as an employee with the Police or Fire Department who has been certified by the Civil Service Commission.
- ↪ **Regular Full Time Employee (RFT) -** An employee who is regularly scheduled to work in a position which has daily, weekly, and monthly hours as established by the City for full-time work.
- ↪ **Regular Part Time Employee (RPT) -** An employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.
- ↪ **Seasonal Employee-** An employee hired for an intermittent or specified period of time, for a season, for a job of limited duration, or for a non-recurring work project.
- ↪ **Youth Employee-** An employee who is at least Sixteen (16) years of age. Youth Employees are governed by Youth Employment Laws, which vary from other employment laws. They may work in a position within the City as long as it is not one that is declared hazardous by the Department of Labor. See the Human Resources Department for a listing of jobs declared hazardous.
- ↪ **Overtime-** Hours worked in excess of Forty (40) in a regular work period (calendar week), with the following exceptions: Uniform Fire Department employees working Twenty Four (24) hour shifts will receive overtime pay for hours worked in excess of Fifty Three (53) hours in a regular work period; Uniform Police Department employees working Twelve (12) hour shifts will receive overtime pay for any hours worked in excess of Eighty Five (85) hours in a regular work period. A regular work period for uniform police officers working Twelve (12) hour shifts is defined as Fourteen (14) days.

## **2.0 EQUAL EMPLOYMENT POLICIES**

### **2.1 AMERICAN WITH DISABILITIES ACT (ADA)**

The City abides by the requirements of the Americans with Disabilities Act and other laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to accommodations in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodations in the employment process and/or in the workplace shall notify the Director of Human Resources of such needs. It is the responsibility of such an individual to request a reasonable accommodation in the hiring process and/or in the workplace.

### **2.2 UNLAWFUL DISCRIMINATION AND HARASSMENT POLICY**

The City expressly prohibits its officials and employees from engaging in any form of unlawful harassment or discrimination due to race, religion, creed, color, national origin, sex, sexual orientation, marital status, age, veteran status, special disabled veteran, or the presence of any physical, mental, or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

### **2.3 PROHIBITED CONDUCT DEFINED**

Discrimination and harassment is any annoying, persistent act or actions that single out an employee over the employee's objection to his/her detriment because of a person's protected status, i.e. race, religion, creed, color, national origin, sex, marital status, age, veteran status, special disabled veteran, or the presence of any physical, mental, or sensory handicap.

Discrimination or harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures cartoons, pranks, or other verbal or physical conduct including, but not limited to, the following actions:

- ↳ Verbal abuse, ridicule, derogatory comments, jokes, threats, or other inappropriate actions;
- ↳ Interference with an employee's work;
- ↳ Displaying or distributing sexually offensive, racist, or other derogatory materials, such as posters, emails, calendars and/or magazines;
- ↳ Discriminating against any employee in work assignments or job-related training because of one of the above-referenced factors;
- ↳ Intentional physical contact with either gender-specific portions of a person's body, such as pinching, gestures, and/or unwelcome touching;
- ↳ Making offensive sexual, racial, or other derogatory hints or impressions;
- ↳ Requesting favors (sexual or otherwise) as a condition of employment, promotion, transfer, or any other term or condition of employment; and/or,
- ↳ Overtly using one's title or position to sexually or otherwise harass employees.

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

- ↳ Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- ↳ Has the purpose or effect of unreasonably interfering with an individual's performance; and/or,
- ↳ Otherwise unreasonably affects an individual's employment opportunity or circumstance.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or gender-based (directed at a person because of their gender). Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature. Sexual harassment violates state and federal law and is prohibited under the City's harassment policy when:

- ↳ Submission to the conduct is either explicitly or implicitly a term or condition of employment;
- ↳ Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual; and/or,
- ↳ The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Sexual harassment includes, but is not limited to, the following:

- ↳ Unwelcome verbal behavior such as comments, suggestions, jokes or derogatory remarks based on sex;
- ↳ Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement;
- ↳ Posting of sexually suggestive, derogatory, or offensive pictures, cartoons, or drawings, even at one's work station;
- ↳ Unwanted sexual advances, requests, or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, or advancement) upon an employee's submission to sexually harassing behavior in the workplace.

## **2.4 WHISTLEBLOWER POLICY**

A whistleblower as defined by this Policy is an employee of the City who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; Supervisors, Department Directors, the Director of Human Resources, and the City's EEO Officer(s) are charged with these responsibilities.

Examples of illegal or dishonest activities include, but are not limited to, violations of federal, state, or local laws; billing for goods not delivered and other fraudulent financial reporting; activity that is of substantial and specific danger to the public health or safety; or, activity that is a gross waste of public funds.

"Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignment, etc.). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate Supervisor or the Director of Human Resources. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Director of Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Department Director as well as Director of Human Resources who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact their Supervisor or the Director of Human Resources.

## 2.5 COMPLAINT REPORTING AND INVESTIGATION

The City is committed to diligently enforcing its discrimination and harassment policy by promptly and impartially investigating all complaints. When discrimination or harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination of the offending employee. The complaint procedure is designed to deal with complaints in a fair, discreet, and timely manner to:

- ↳ Determine if the conduct alleged in the complaint took place and constitutes harassment which violates local, state, and/or federal law or constitutes harassment in the form of inappropriate or offensive behavior;
- ↳ Stop the offending behavior;
- ↳ Restore the complainant's working environment;
- ↳ Take steps to prevent retaliation and repetition of the harassment; and/or,
- ↳ Educate, sanction, or discipline the harasser consistent with the seriousness of the offensive behavior(s).

It is the duty of every City employee, official and/or representative to be responsible with ensuring that his/her conduct does not include or imply discrimination or harassment in any form. If, however, discrimination or harassment or suspected discrimination or harassment has or is taking place an employee must immediately report the discrimination or harassment to their immediate Supervisor, putting such report in writing as soon as possible. If their Supervisor is the source of the alleged discrimination or harassment or is closely associated with the source of the discrimination or harassment and the employee is not comfortable reporting the complaint to that person, the employee may report the complaint to the Department Director. If the Department Director is the source of the discrimination or harassment or is closely associated with the source of the discrimination or harassment and the employee is not comfortable reporting to that person, the employee should report the discrimination or harassment to the City's EEO Officers or the Director of Human Resources.

Any Supervisor or Director who learns of or receives a complaint of alleged discrimination or harassment is obligated to report it to the EEO Officers or Director of Human Resources.

Each complaint will be fully investigated and a written determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that discrimination or harassment has occurred, the City shall take appropriate corrective disciplinary action which may include, but is not limited to, verbal and/or written warnings, probation, suspension, demotion, and/or termination.

No employee shall be subject to any form of retaliation or discipline for pursuing a discrimination or harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City will not tolerate discrimination, harassment, or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged discrimination or harassment. Disciplinary action will be taken against those who are found to have violated the City's policy against such retaliation.

If the investigation does not find that discrimination or harassment occurred or that the alleged incident(s) did not constitute discrimination or harassment, the matter shall be referred back to the Department Director for further appropriate action. For example, if workplace misconduct may have occurred but not discrimination or harassment, the Director of Human Resources, along with the Department Director and/or Mayor, shall determine the manner in which to act upon the findings set forth in the investigation report. An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

### **3.0 GENERAL EMPLOYMENT POLICIES**

#### **3.1 AUTHORITY TO HIRE AND TERMINATE**

Except as otherwise provided by Arkansas law or the Mayor, the Department Director is authorized to make the final decision with respect to hiring new employees, promoting existing employees, and terminating employees.

#### **3.2 EMPLOYMENT APPLICATIONS AND RESUMES**

The City relies upon accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment for, if the person has been hired, in termination or other disciplinary measures.

#### **3.3 UNIFORM POSITIONS**

All applicants for uniformed employment with the Fire and Police Department must take an entrance examination administered by the Director of Human Resources on behalf of the Civil Service Commission, unless otherwise provided by law. Subject examination will be conducted on an "as needed" basis in accordance with State law at a time and place designated in the announcement of the examination or at such other designated times as determined by the Civil Service Commission. Scores obtained on the examination will identify the individual's placement on the eligibility list for the appropriate department. Eligibility upon said list(s) remains in force and effect for One (1) year from testing, at which time all rights and priority cease. Since entrance examinations may be administered more than once a year, some overlap of eligibility may exist. All uniformed positions are filled in accordance with the rules and regulations of the Civil Service Commission and State law.

All uniformed employees hired by the City shall serve a One (1) year probationary period, unless specifically noted in a job description provided in the rules and regulations of the department. All newly promoted uniformed personnel shall serve a Six (6) months probationary period in their new position.

### **3.4 AUTHORIZED POSITIONS**

Each year projections are made for the number of employees and salaries needed for each Department. These projections are submitted to the Mayor and City Council. When the City Council approves an annual budget, the projected number of employees and salaries are established and records of such maintained in the Human Resources Department.

On occasion, budget projections or unexpected increases in workload may create a need for additional employees during the year. The following procedure is used to secure additional authorization:

1. Department Director prepares an explanation of the need for additional employees/salaries and submits the full justification to the Director of Human Resources;
2. The Director of Human Resources reviews the request and makes a recommendation to the mayor, who will review the request and determine if approval will require presentation to the City Council for additional funds; and,
3. If approval required is provided by the City Council, the matter is returned to Human Resources where appropriate action is taken to fill the position request.

### **3.5 OVER-HIRE**

Generally, there will be no more employees than the number authorized by the City Council. An exception may be made in the following circumstances:

- ↳ For training purposes, the new hire arrives prior to the departure of the employee who is leaving;
- ↳ The availability in the job market of an exceptionally experienced or qualified employee; and/or,
- ↳ An employee's unexpected leave of absence or lengthy illness.

A decision to over-hire will be made through consultation between the Department Director and the Director of Human Resources. Any over-hire, other than the routine cases noted above, will be presented to the Mayor for review and approval.

### **3.6 JOB POSTING AND ADVERTISING**

An application for employment will be accepted from anyone who wishes to apply for employment. Applications are available on the City's website, [www.cityofjacksonville.net](http://www.cityofjacksonville.net) or in the Human Resources Department. All information provided on the application must be true and correct, and providing false information will constitute grounds for elimination of consideration for hiring and/or dismissal from City employment.

### **3.7 VACANCIES AND PROMOTIONS**

It is the intent of the City to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City an opportunity to apply for job vacancies, announcements of job openings will be posted on the job board outside of the Human Resources Department and on the City's website. In accordance with equal employment opportunity guidelines and this Manual, notice of job vacancies will be sent to the appropriate employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.

In the event of a job opening, the position will be announced and posted on the Job Board located outside of the Human Resources Department at City Hall at least Seven (7) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to City departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might recruit applicants. Recruitment resources will be notified at least Seven (7) days prior to the deadline for receiving applications.

Applications for full-time City employment will not be accepted from anyone less than Eighteen (18) years of age. Except as otherwise provided by Arkansas law or the Mayor, the Department Director is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

### **3.8 TRANSFERS AND REASSIGNMENTS**

When a vacancy occurs in any Department, other than uniformed Fire and Police Departments, any employee in any Department has the option of requesting, in writing, a transfer to fill the vacancy. All requests for transfer must be processed through the Director of Human Resources.

When a City employee considers the possibility of a transfer from one position or Department to another, they should review their situation with their Department Director, who will then coordinate all transfers with the Director of Human Resources.

Transfers must be mutually beneficial to the employee and the City. Any requests to transfer from a position with a higher salary to a position with a lower salary may result in a reduction of pay.

Transfers from the City of Jacksonville's Water and Wastewater Departments will not be considered a transfer from one City Department to another City Department, due to the fact there is no coordination between the Water and Wastewater Department and the City with regards to salaries and benefits.

No uniformed employee in the Fire or Police Departments shall be transferred from one Department to another, unless there is a non-uniformed position is available which the individual has applied for and is qualified to fill under the normal application process.



### **3.9 REHIRES**

Any employee who is rehired after separation from the City in good standing shall receive credit for all accrued sick leave, as well as vacation leave, provided the employee was not paid for the leave at separation, if the employee is rehired within One (1) year from date of separation. The number of seniority months will be adjusted by the number of separation months; for example, if an employee resigns from the City and is gone for Three (3) months before being rehired, his/her number of seniority months will be Three (3) fewer months than if he/she had not resigned.

Individuals desiring rehire for a uniformed position with the Fire or Police Departments must submit an application to take the entry examination; unless the individual has been resigned from the City for less than One (1) year. If the time period has been less than One (1) year, the Director of Human Resources and other appropriate uniformed Department Director may select a person for return and adjust their seniority for the time they were not employed by the City. The determination will be made jointly.

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

Post-offer pre-employment physicals may be required for applicants to be hired by the City in certain positions, i.e. police officer, jailer, firefighter, dispatcher and CDL driver. The examinations shall be performed by licensed physicians selected by the City. A summary report of the examining physician shall be provided to the Department Director as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examinations, but continued employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological, and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Director of Human Resources to be kept in a confidential file apart from the individual's personnel file. The Director of Human Resources may share such information only in limited circumstances with Supervisors, managers, first-aid and safety personnel, government officials investigating compliance with ADA, state workers' compensation offices, state second injury fund, workers' compensation carriers, and/or health care professionals when seeking advice in making reasonable accommodation determination and for insurance purposes. Should there be a dispute concerning the exam, or should a Supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and Supervisory employees within the City.

### **3.11 FITNESS FOR DUTY EXAM**

A Fitness for Duty exam will be required for employees who, because of mental or physical disabilities, are rendered unable to perform their essential functions with or without reasonable accommodation or who pose a direct safety threat to themselves. Based on the findings of the exam and other job restricting factors, the Department Director shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied.

### **3.12 NEPOTISM POLICY**

The City permits the employment of qualified relatives of employees or those employee's that share a household, as long as such employment does not, in the opinion of the City, create actual conflicts of interest. For purposes of this Policy, "qualified relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation, or any member of the employee's household.

The City will use sound judgment in the placement of related employees in accordance with the following guidelines:

- ↳ Individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same Department, provided no direct reporting or Supervisor to subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits, or other terms and conditions of employment could be influenced by the other relative;
- ↳ Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members, and/or,
- ↳ Employees who marry while employed or become part of the same household are treated in accordance with these guidelines. If a conflict arises as a result of the relationship, one of the employees may be transferred at the earliest practicable time.

Any exceptions to this policy must be approved by the Mayor.

### **3.13 OUTSIDE EMPLOYMENT OR MOONLIGHTING**

If an employee is considering additional employment, he/she should discuss the additional employment with his/her Department Director or Supervisor for approval. If, as an employee of the City, an employee participates in additional employment, it must not interfere with the proper and effective performance of his/her job with the City. An employee's outside employment must not be of a nature that adversely affects the image of the City, or of a type that may be construed by the public to be an official act of the City or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Department Director.

Employees on FMLA or any other sick/unpaid leave status with the City may not be actively working secondary employment during the time period that they are on leave from the City.

### **3.14 POLITICAL ACTIVITY**

No employee may seek or hold an elected or appointed position in the City which would constitute a direct conflict of interest. A direct conflict of interest is that which would interfere with regular work duties or that which is prohibited by law. An employee will not be allowed to actively campaign for any candidate during work hours (Hatch Act, USC Title 5, § 15). No Civil Service employee shall be connected with any political campaign or political management except to cast their vote and to express their personal opinion privately (Hatch Act, USC Title 5, §15).

### **3.15 VOTING**

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

### **3.16 CLAIMS FOR DAMAGE TO OR LOSS OF PERSONAL PROPERTY**

Claims for personal loss while in the line of duty will be submitted to the Department Director within Forty-eight (48) hours, or the earliest time possible, for consideration and action.

Lost or damaged personal items must be itemized and the list accompanied by a statement from a company or business replacing such items containing appraised value(s).

### **3.17 REMOVAL OF CITY PROPERTY**

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

### **3.18 CITY VEHICLES**

On occasion, the City may permit certain employees to use its vehicles to conduct City business. A valid and current driver's license must be in possession of the operator and maintained at all times. When using a City vehicle, employees shall exhibit care at all times and shall comply with all federal, state and local laws pertaining to operation of the vehicle.

The use of City vehicles is restricted to City business purposes only. Employees using a City vehicle shall not pick up or transport any private parties not directly involved with the work of the City. With prior approval of the Department Director, employees may transport spouses in City vehicles when attending conferences and meetings.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle. Thefts or accidents involving City vehicles must be reported immediately to the police and Human Resources Department. The improper, careless, negligent, destructive, reckless or unsafe use of City equipment or vehicles may result in disciplinary action, including termination.

## **SECTION 4 DRUG-FREE/ALCOHOL-FREE WORKPLACE**

### **4.1 PURPOSE**

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

Employees convicted of controlled substances related violations in the workplace must inform the City within Five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action to include termination. At its discretion, the City may require employees who violate this Policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

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

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

Each Department Director or Supervisor may establish smoking rules or guidelines for his/her departmental employees, as long as the rules or guidelines do not conflict with Arkansas State Law. The City prohibits the use of smokeless tobacco within City buildings.

### **4.3 DRUG AND ALCOHOL TESTING**

Employees are expected to report for work and remain at work in condition to perform assigned duties free from the effects of alcohol and drugs. Alcohol abuse or illegal drug use and its physiological effects represent a threat to the well-being and security of employees and could cause extensive damage to the City's reputation and community standing. Any involvement with alcohol/drugs that adversely affects the workplace or the work environment will not be tolerated. Off-the-job illegal drug activity or alcohol abuse that could have an adverse effect on an employee's job performance or that could jeopardize the safety of other employees, the public, City equipment, or the City's relations with the public will not be tolerated.

Illegal drugs are those drugs defined as illegal under federal, state, or local laws; they include, but are not limited to:

→ Marijuana, Heroin, Hashish, Cocaine, Hallucinogens, etc.

### **Pre-Employment**

Drug and alcohol tests will be conducted as a routine part of the pre-employment physical examination for all applicants once an offer of employment has been made. Applicants must satisfactorily pass the drug screen prior to reporting to work. Offers of employment may be made, contingent upon satisfactorily meeting these requirements. If the drug screening procedures indicate the presence of drugs or controlled substances, the applicant will not be considered further for employment.

### **Reasonable Suspicion**

This test is required when a trained supervisor/employer has reasonable suspicion to believe that the employee has used alcohol and/or controlled substances. If a supervisor is suspicious that an employee is under the influence of alcohol and/or controlled substances, they must contact another supervisor or the Human Resources Department to gain a second observation of the employee. Once the Observation Checklist (obtained through the Human Resources Department) is completed by both supervisors, and there is suspicion among both of them, the employee will be taken to the Drug Testing Facility of the City's choice. The employee will be suspended without pay until the results of the test are returned to Human Resources. If the results are negative, the employee will be paid for the time off. If the results are positive, the employee may be terminated.

### **Random**

This unannounced testing is based on a random selection of employees. The selection must be made by a scientifically valid method and all employees covered by this rule must have an equal chance of being tested. The names of employees who are selected for testing must be kept confidential until such time that the Department Director and/or Supervisor notifies the employee to take the test. Once the employee is notified, he/she must immediately proceed to the testing facility and undergo testing. Every employee's name that is selected for testing must be returned to the selection pool so that all employees have an equal chance of being selected at any time. An employee who is selected and refuses to submit to a test may be terminated.

### **Post-Accident Testing**

The City may require a post-accident drug test of all employees near the scene following an on-the-job accident or incident. If an accident or incident occurs and it is determined that the employee is at-fault, the employee must submit to a drug test. Employees may be suspended with/without pay until a full evaluation has taken place and an appropriate course of action is determined. The use of drugs or alcohol during working hours is strictly prohibited.

#### **4.4 DRUG ABUSE**

The use, sale, or personal possession (e.g., on the person or in a desk, or vehicle) of illegal drugs while on the job, including rest periods and meal periods, or on City property is a terminable offense and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

#### **4.5 ALCOHOL ABUSE**

The use or personal possession (e.g., on the person, in a desk, or in a vehicle) of alcohol during work time or on City property is a terminable offense. For all employees, alcohol consumption is prohibited during the workday, including rest periods and meal periods.

Any City employee who violates this substance abuse policy or who is arrested and/or convicted of an alcohol or drug violation will be subject to disciplinary action, including termination.

#### **4.6 FITNESS FOR DUTY**

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

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

#### **4.7 EMPLOYER NOTIFICATION**

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

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

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

#### **4.9 EMPLOYEES WITH COMMERCIAL DRIVERS LICENSE (CDL) - DOT TESTING**

The FMCSA's alcohol and drug testing rules apply to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any state, and is subject to: (1) the commercial driver's license requirements of 49 CFR Part 383.

The U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), adopted regulations requiring certain commercial motor vehicle operators to be tested for alcohol and drugs in order to reach the goal of an alcohol and drug-free transportation environment. This brochure summarizes the rule as it applies to all motor carriers.

#### **4.10 TESTING PROCEDURES**

The official testing procedures are based on those established by the Department of Health and Human Services. These procedures include: urine sample collection, laboratory procedures, and reporting and recordkeeping of final results. Only laboratories certified by Health and Human Services under the National Laboratory Certification Program (NLCP) may be used. These procedures exist to safeguard accuracy and to protect the privacy of drivers.

A driver who has tested positive for any of the substances will be notified and may discuss the positive test results with a qualified Medical Review Officer (MRO) before a result is reported to the employer. The driver will have an opportunity to explain any special circumstances to the MRO. The MRO has the authority and responsibility for reporting the results to the carrier's alcohol and drug program management for action.

#### 4.11 CONTROLLED SUBSTANCES

The regulations require testing for the following classes of substances:

- ↪ Marijuana (grass, pot, weed, hash, joint, Acapulco gold)
- ↪ Cocaine (coke, crack, snow, blow, flake, "C", rock, base)
- ↪ Opiates - opium and codeine derivatives - (heroin, horse, "H", junk, smack, scag, Miss Emma)
- ↪ Amphetamines - amphetamines and methamphetamines - (uppers, speed, bennies, black beauties, Christmas trees, crystal, mollies, crank, BAM, dexies)
- ↪ Phencyclidine - PCP - (angel dust, peace pill, hog, supergrass, embalming fluid, rocket fuel, killer weed)

#### 4.12 TESTS REQUIRED

The following tests apply to all persons who are required to have a CDL for the type vehicle being operated:

**Pre-Employment:** This test is required and negative results must be received before a motor carrier allows a driver to perform a safety sensitive function. The pre-employment test is only required for controlled substances. Alcohol testing is permitted.

**Reasonable Suspicion:** This test is required when a trained supervisor/employer has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances.

**Random:** This unannounced testing is based on a random selection of drivers. The selection must be made by a scientifically valid method and all drivers covered by this rule must have an equal chance of being tested. The names of drivers who are selected for testing must be kept confidential until such time that the carrier notifies the driver to take the test. Once the driver is notified, he/she must immediately proceed to the testing facility and undergo testing. Every driver's name that is selected for testing must be returned to the selection pool so that all drivers have an equal chance of being selected at any time. Random alcohol testing is also required by the DOT. However, random alcohol tests can only be administered just prior to a driver performing a safety-sensitive function, while performing a safety-sensitive function, or just after performing a safety-sensitive function. Random controlled substances tests can be conducted at any time the driver is notified. A driver who is selected and refuses to submit to a test must follow the requirements of 49 CFR Part 40, Subpart O.

**Post Accident:** This test applies to all CDL drivers who are involved in fatal crashes. The test must also be conducted on all CDL drivers who are cited for moving violations arising in a crash that requires a vehicle being towed or an injury requiring medical attention away from the scene. The alcohol test must be conducted within Eight (8) hours and the controlled substances test must be conducted within Thirty-two (32) hours of the crash.



#### **4.13 CONSEQUENCES**

A driver who has violated DOT alcohol and drug regulations is prohibited from performing DOT safety-sensitive duties for any motor carrier until he/she completes the Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process set forth in 49 CFR Part 40 Subpart O, and in applicable FMCSA regulations. For information or assistance in establishing or joining a program, contact trade associations or unions in your area or visit [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

## **SECTION 5 COMPENSATION AND MATTERS AFFECTING EMPLOYMENT**

### **5.1 NEW EMPLOYEE ORIENTATION**

Orientation is a formal welcoming process that is designed to make the new employee feel comfortable, be informed about the City, and prepared for their position. New employee orientation is conducted by a Human Resources representative, and includes an overview of the City, and an explanation of the City's core values, vision, and mission. In addition, the new employee will be given a copy of the City's Policy Manual, an overview of benefits, tax, and legal issues, and complete any necessary paperwork.

The new employee's Supervisor then introduces the new hire to staff throughout the City and their department, reviews their job description and scope of position, and helps the new employee get started on specific functions. Employees are presented with all codes, keys, and procedures needed to navigate within the workplace.

### **5.2 PERSONNEL DATA CHANGES**

It is the responsibility of each employee to promptly notify their Supervisor and the Human Resources Department of any changes in personnel data including, but not limited to:

- ↳ Name Change
- ↳ Mailing address
- ↳ Telephone / Cell numbers
- ↳ Name, birth date, and social security number of covered dependents
- ↳ Marriage/Divorce
- ↳ Individuals to be contacted in the event of an emergency.

### **5.3 ATTENDANCE**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by their Department Director.

### **5.4 WORK HOURS**

Unless specified otherwise, the work period begins each Sunday at 12:00 a.m. and ends the following Saturday at 11:59 p.m.

For non-uniform employees, the standard workweek shall consist of Forty (40) hours per week within a Seven (7) day period, unless otherwise arranged by the Department Director to meet specific Department needs, and will remain in accordance with state statutes and departmental regulations.

Uniformed police officers working Twelve (12) hour shifts will be compensated at the overtime rate for any hours worked in excess of Eighty-five (85) hours in a Fourteen (14) day work period.

Uniformed firefighters working Twenty Four (24) hour shifts will be compensated at the overtime rate for any hours worked in excess of Fifty Three (53) in a Seven (7) day work period.

The standard workday shall begin at 8:00 a.m. and end at 5:00 p.m. CST unless otherwise arranged by the Department Director to meet specific job needs. Departments may vary from this schedule based upon department necessity. The standard workweek is Monday through Friday.

Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the Department Director. Flexible work arrangements allow the Department Director to schedule a workweek of Forty (40) hours to meet specific departmental requirements.

The City reserves the right to adjust and change hours of work, days of work and schedule to fulfill its responsibility to its citizens. When required, previously-scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the Department Director. Changes in work schedules will be announced as far in advance as practicable.

Whenever possible, employees work schedules shall provide a rest period (break). Regular full time employees will receive a meal period, when possible. The meal period will be paid if it lasts for less than One Half (1/2) hour and not paid if it lasts for more than One Half (1/2) hour. During any unpaid meal period, employees are not authorized to conduct City business, i.e., sitting at one's desk and answering phones and/or working on the computer.

## **5.5 UNAUTHORIZED WORK TIME**

Because of Fair Labor Standards Act (FLSA) regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or working past the scheduled end of their shift without prior approval of the immediate Supervisor. FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action, including termination.

## **5.6 REPORTING AND VERIFYING HOURS WORKED**

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

All employees shall report their hours worked on the forms provided by the Human Resources Department. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a weekly basis to Supervisors for signatures. The Supervisors shall forward the same to the Human Resources Department in a timely manner to ensure that proper records are kept.

## **5.7 PAYROLL RECORDS**

The Human Resources Department shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued, and other leave, whether with or without pay. These records shall be available to the Department Director, and individual employees shall be able to inspect their own records during normal business hours.

## **5.8 PAYROLL PROCEDURES AND PAYDAY**

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

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

When an employee resigns, retires, or otherwise terminates their employment with the City, the final paycheck will be issued on the next regularly scheduled pay day. All final checks must be picked up at the Human Resources office.

## **5.9 OVERTIME AND COMPENSATORY TIME**

The City will pay overtime in accordance with the FLSA at One and One Half (1.5) times the base rate or hourly rate for all hours worked in excess of the hours per week set forth in the WORK HOURS section of this Manual. Overtime will be permitted only with prior approval of the Department Director prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime may result in disciplinary action, including termination.

### **5.10 TEMPORARY AND SEASONAL EMPLOYEES**

The City may hire temporary employees who are hired for a set duration (i.e., in the form of a seasonal employee such as lifeguard or for a specific project). These employees are not intended to be employed on a regular basis and are employed at-will. Temporary employees may be hired to work either full or part time hours and are paid for actual hours worked at a rate determined by the Department Director and the Director of Human Resources. Temporary employees are eligible for overtime for hours exceeding Forty (40) hours per workweek subject to all other overtime policies set forth in this Manual. A temporary employee may be employed for up to Six (6) months at which time the temporary status shall be reviewed before employment is continued. Temporary employees do not qualify for vacation leave, sick leave, or other City benefits.

### **5.11 NON-EXEMPT AND EXEMPT EMPLOYEES**

Non-exempt employees are subject to the FLSA overtime requirements and are subject to the overtime policies set forth in this Manual. Exempt employees are not subject to the FLSA overtime requirements. Certain employees classified as exempt based upon the nature of the work, conditions of employment, and by the criteria set forth in the rules and regulations of the FLSA. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek.

Uniformed Police Officers and Firefighters are subject to special exceptions under FLSA which permit the City to establish a work period which varies from the regular work period of Seven (7) days and Forty (40) hours. Contact your Supervisor or the Human Resources Department if you have any questions regarding your work period. If such a work period is adopted, overtime is not measured in terms of a Forty (40) hour work period, but is paid for work performed in excess of One Hundred and Seventy One (171) hours in a Twenty Eight (28) day work period for police officers or for work performed in excess of Two Hundred and Twelve (212) hours in a Twenty Eight (28) day work period for firefighters or equivalent thereof.

### **5.12 GENERAL BEHAVIOR AND CONDUCT**

All employees are expected to dress and act in an appropriate manner at all times.

### **5.13 CHANGE IN EMPLOYMENT STATUS AND SENIORITY**

If an employee changes their employment from a regular part time or seasonal employee to a regular full time employee, the seniority date will be the effective date of the status change.

### **5.14 RETIREMENT/RESIGNATION/INVOLUNTARY TERMINATION**

Employees who wish to terminate their employment with the City are urged to notify the City at least Two (2) weeks in advance of their intended termination. Such notice should be given in writing to the employee's Department Director or Supervisor. Although not required, proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his/her final paycheck. Without adequate notice, however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire, either through the Arkansas Public Employees Retirement System (APERS) or Local Police and Fire (LOPFI), are urged to provide the City with a minimum of Two (2) months notice. This will allow ample time for the processing of appropriate retirement forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

#### **5.15 EXIT INTERVIEWS**

Employees who resign or retire are requested to participate in an exit interview with the Director of Human Resources, and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any City property in his/her possession or which was entrusted to him/her.

#### **5.16 JOB DESCRIPTIONS**

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

#### **5.17 PERSONNEL FILES**

Confidential personnel files are kept for all employees and are located in the Human Resources Department, and contain pertinent information including, but not limited to, application for employment, tax information, commendation letters, reference checks, and any disciplinary actions.

Personnel files will remain restricted access and in compliance with all local, state and federal laws. Employees may review their personnel file by requesting such from the Human Resources Department.

No document shall be removed from an employee's personnel file.

## **SECTION 6 BENEFITS**

### **6.1 VACATION LEAVE**

All vacation is granted to Regular Full Time employees after One (1) year of continuous full-time employment with the City. Vacation is given on the employees' anniversary each year while employed. Vacation leave does not accrue per pay period.

Non-Uniformed Regular Full Time Employees are entitled to the following:

- ↪ Forty (40) hours of annual leave after One (1) year of continuous service;
- ↪ Eighty (80) hours of annual leave after Two (2) years of continuous service;
- ↪ One Hundred Twenty (120) hours of annual leave after Five (5) years of continuous service; and,
- ↪ One Hundred Sixty hours (160) of annual leave after Fifteen (15) years of continuous service.

Uniformed Police Department Employees are entitled to the following:

- ↪ One Hundred Twenty (120) hours of vacation leave after One (1) year of continuous service;
- ↪ One Hundred Forty Four (144) hours of vacation leave after Five (5) years of continuous service; and,
- ↪ One Hundred Sixty (160) hours of vacation leave after Fifteen (15) years of continuous service.

Uniformed Fire Department Employees are entitled to the following:

- ↪ Six (6) duty days of vacation leave after One (1) year of continuous service;
- ↪ Nine (9) duty days of annual leave after Five (5) years of continuous service;
- ↪ Twelve (12) duty days of annual leave after Fifteen (15) years of continuous service; and,
- ↪ All Eight (8) hour shift uniformed employees accrue at the same rate as uniformed Police Officers.

### **6.2 CARRY-OVER VACATION**

- ↪ For non-uniformed employees, Eighty (80) hours of vacation leave may be carried over to the next anniversary year.
- ↪ For Twenty Four (24) hour Fire Department employees, One Hundred Forty Four (144) hours of vacation leave may be carried over to the next anniversary year.
- ↪ For Twelve Hour (12) hour Police Department employees, Eighty Four (84) hours of vacation leave may be carried over the next anniversary year.

Unused available vacation time in excess of the carry-over amount will be lost.

### **6.3 SCHEDULING OF VACATIONS**

Each full-time employee may take vacation leave with full pay at such time as is mutually agreed upon between the employee and their Supervisor. All vacation leave must have the advance approval of the employee's Supervisor, so that the leave fits in to the overall scheduling of the department. Employees should request their vacation leave from their Supervisors at least Ten (10) days in advance. The permissible number of employees taking vacation at a time will be determined by the Supervisor based upon departmental workloads. The City reserves the right to alter vacation schedules. Maximum vacation leave to be taken at any time is Fifteen (15) working days, unless advance approval is granted.

### **6.4 VACATION PAY UPON RETIREMENT/RESIGNATION/INVOLUNTARY TERMINATION**

Employees who resign, retire or otherwise terminate employment will be paid for their unused available vacation leave.

### **6.5 SICK LEAVE**

The City recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City provides paid sick leave to regular full time employees.

An employee, uniformed or non-uniformed, may be eligible for sick leave for the following reasons:

- ↳ Personal illness or physical incapacity;
- ↳ Quarantine of an employee by a physician or health officer;
- ↳ FMLA qualified absence; and/or,
- ↳ Necessity of medical, dental, and optical care;

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

Employees who are absent more than Two (2) consecutive days due to illness or injury are required to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certification of release to the Department Director before returning to work.

### Non-Uniformed Employees

- ↳ Sick leave will accrue at the rate of Thirteen and 33/100 (13.33) hours per calendar month, or Twenty (20) days per calendar year. The maximum accumulation amount of sick leave is Seventy Hundred Twenty (720) hours.

### Uniformed Police Officers

- ↳ Pursuant to ACA §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of Twenty (20) duty days per year beginning Six (6) months after the first date of continuous employment. If unused, sick leave shall accumulate to a maximum of Ninety (90) duty days. Time off may be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

### Uniformed Firefighters

- ↳ Pursuant to ACA §14-53-108, all firefighters shall accumulate sick leave at the rate of Seventy (70) duty days per year, beginning Six (6) months after the first date of continuous employment.

## **6.6 SICK LEAVE PAY UPON RETIREMENT/RESIGNATION/INVOLUNTARY TERMINATION**

If, at the end of the employee's service, either upon retirement or death, the employee has any unused accrued sick leave, the employee will be paid for this sick leave at the regular rate of pay in effect at the time of retirement.

- ↳ Non-uniformed employees will be paid for any unused accrued sick leave, at the time of retirement or death, not to exceed Four Hundred Eighty (480) hours, or the equivalent of Sixty (60) duty-day's salary.
- ↳ Uniformed Police Officers will be paid for any unused accrued sick leave, at the time of retirement or death, not to exceed Four Hundred Eighty (480) hours, or Sixty (60) duty-day's salary.
- ↳ Uniformed Firefighters will be paid for any unused accrued sick leave, at the time of retirement or death, not to exceed Seven Hundred Twenty Eight (728) hours, or Sixty (60) duty-day's salary.

Employees, who terminate employment voluntarily or involuntarily for reasons other than retirement or death, will not be paid for unused or available sick leave.



## 6.7 DISCRETIONARY DAYS

All Regular Full Time employees are entitled to:

- ↪ One (1) discretionary day off after Five (5) years of continuing employment;
- ↪ Two (2) discretionary days off after Ten (10) years of continuous employment; and,
- ↪ Three (3) discretionary days off after Fifteen (15) years of continuous employment.

Discretionary days may not be broken into hours of time off; they must be taken in full-shift increments. An employee may use their discretionary day along with their vacation or holidays. Discretionary days cannot carry-over and employees will not be compensated for unused days upon leaving employment with the City.

## 6.8 HOLIDAYS AND HOLIDAY PAY

The City observes the following Eleven (11) holidays:

↪ New Year's Day	January 1st
↪ MLK Jr. Day	Third Monday in January
↪ President's Day	Third Monday in February
↪ Memorial Day	Last Monday in May
↪ Independence Day	July 4th
↪ Labor Day	First Monday in September
↪ Veteran's Day	November 11th
↪ Thanksgiving	Fourth Thursday in November
↪ Day after Thanksgiving	Fourth Friday in November
↪ Christmas Eve	December 24th
↪ Christmas	December 25 <sup>th</sup>

All Regular Full Time employees will receive holiday pay for their normally scheduled work day at their regular rate of pay. Uniformed Police and Fire employees receive holiday pay included in their annual salary. Employees who are requested to work during a paid holiday will receive holiday pay plus regular pay.

### **Paid Holidays during Vacations and Weekends**

If a holiday occurs during the employee's vacation, the employee's vacation will be extended by the number of holidays occurring during the vacation period or the employee will be given the equivalent number of vacation days for future use.

If a City-recognized paid holiday falls on a Saturday, the holiday will usually be observed on the preceding Friday. If the holiday falls on a Sunday, the following Monday will usually be observed as the holiday.

Holidays are not considered a day worked for purposes of calculating overtime unless work is actually performed.

## 6.9 BIRTHDAY

In order for the City to recognize employee's birthdays, the employee may take their birthday off. If taking their birthday off would create a hardship on their Department, the employee may use their birthday any other day of the year, as long as it is used prior to their next birthday. If the employee fails to use their birthday within that time, it will be lost.

A Birthday is not considered a day worked for purposes of calculating overtime unless work is actually performed. Birthdays may not be broken into hours of time off; they must be taken in full-shift increments. Birthdays cannot carry-over and employees will not be compensated for unused days upon leaving employment with the City.

## 6.10 FUNERAL/BEREAVEMENT LEAVE

Bereavement leave with pay will be granted to all regular full time City employees in cases of death for an immediate family member only. As used in this section, "immediate family" is defined as:

- ↳ Spouse;
- ↳ Son/Stepson/Grandson/Son-in-Law;
- ↳ Daughter/Stepdaughter/Granddaughter/Daughter-in-law;
- ↳ Mother/Stepmother/Grandmother/Step-Grandmother/Mother-in-Law/Grandmother-in-Law;
- ↳ Father/Stepfather/Grandfather/Step-Grandfather/Father-in-Law/Grandfather-in-law;
- ↳ Brother/Stepbrother/Brother-in-Law, and/or,
- ↳ Sister/Stepsister/Sister-in-Law.

Bereavement leave is allotted in the following manner:

- ↳ Non-uniformed employees and uniformed Eight (8) hour employees receive up to Three (3) duty days of bereavement;
- ↳ Uniformed Twenty Four (24) hour Fire Department employees receive One (1) duty day of bereavement;
- ↳ Uniformed Twelve (12) hour Police Department employees receive up to Two (2) duty days of bereavement;

In the circumstance of the death of an employee's spouse or child, the employee is allotted bereavement leave in the following manner:

- ↳ Non-uniformed employees and uniformed Eight (8) hour employees receive up to Five (5) duty days of bereavement;
- ↳ Uniformed Fire Department employees receive up to Two (2) duty days of bereavement;
- ↳ Uniformed Twelve (12) hour Police Department employees receive up to Three (3) duty days of bereavement;

The maximum days of paid bereavement leave will not exceed Eight (8) per calendar year. If the employee desires additional bereavement leave, upon approval of the Department Director, the employee may use vacation, discretionary days, or their birthday. As well, upon approval of the Department Director, an employee may take unpaid time off for bereavement if other forms of paid leave are exhausted. Bereavement leave will begin on the date of death.

#### **6.11 MATERNITY LEAVE**

Employees who become pregnant, have childbirth or similarly related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy related health impairments, illnesses, or injuries. An employee's sick leave and vacation leave will be granted for maternity use, along with any discretionary days or birthday, after which leave without pay must be used, in accordance with the City's Family Medical Leave Policy.

#### **6.12 MILITARY LEAVE**

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, 38 USC §4301 et. Seq. and in ACA §21-4-102. It is the City's policy to honor and comply with the provisions of those statutes. USERRA prohibits discrimination against employees because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the rights of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by USERRA is contained in a poster developed by the U.S. Department of Labor and can be found in each Department workplace where other employment law posters are found. The Human Resources Department should be contacted with any questions.

As an employer, the City shall provide to persons entitled to rights and benefits under USERRA and notice of the rights, benefits and obligations of such persons and such employers under USERRA.

#### **6.13 LEAVE FOR WITNESS OR JURY DUTY**

Employees will be granted paid leave for witness or jury duty. Employees will receive their regular rate of pay during a period of jury/witness duty as long as they timely relinquish the compensation received from the Court or attorney to the Finance Department. To qualify for jury or witness duty leave, employees must submit a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof to the Human Resources Department. In addition, proof of service must be submitted to the employee's Supervisor when the employee's period of jury or witness duty is completed.

#### 6.14 FAMILY MEDICAL LEAVE

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

- ↳ The birth and care of the employee's child;
- ↳ The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child;
- ↳ For nearest blood relative to care for an injured service member that is seriously injured or ill in the line of active duty, up to Twenty Six (26) weeks;
- ↳ The care of an immediate family member (spouse, child or parent, but not "in-law") who has a serious health condition, and/or,

The inability of a City employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his/her job, and for any qualifying exigency when the employee's spouse, child, or parent is on active duty or is notified of a call to active duty.

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

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

- ↳ Inpatient care in a hospital, hospice, or residential medical care facility;
- ↳ Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in a period of incapacity of more than Three (3) calendar days, and/or,
- ↳ Prenatal care.

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than Three (3) calendar days.

The FMLA requires that the City maintain the health coverage of an employee eligible for FMLA under any group plan during the time the employee is on FMLA.

### **FMLA- Eligibility**

To be eligible for FMLA benefits, employees must be employed by the City for at least One (1) year; and have worked at least One Thousand Two Hundred Fifty (1250) hours over the previous Twelve (12) months preceding the date of the leave being requested to begin.

Employees are required to use all sick, vacation, birthday and discretionary leave which they have available, prior to going on leave without pay. Such paid leave status shall be included in the total of the Twelve (12) work weeks.

### **FMLA- Calculation of Leave**

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

### **FMLA- Use of paid time off benefits**

When leave is taken under FMLA, employees are required to first use available sick, vacation, birthday and discretionary leave during the Twelve (12) week family leave before becoming eligible for unpaid leave. Using paid time off benefits does not add to the total length of the maximum Twelve (12) week leave permitted. For example, Employee A has Two (2) weeks of vacation leave and Two (2) weeks of sick leave. Employee A requests, and is granted, Four (4) weeks of FMLA. This leaves Employee A with Eight (8) remaining weeks of available FMLA.

### **FMLA- Intermittent or reduced leave**

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

### **FMLA- Notification**

Employees are required to provide the Department Director and the Human Resources Department with Thirty (30) days' written notice of the need for FMLA when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known the need to be absent. However, if emergency circumstances prevent Thirty (30) days' written notification, you must notify your Department Director and the Human Resources Department as soon as possible. The Department Director may waive the Thirty (30) day requirement, on a case-by-case basis depending on staffing needs at that time.

### **FMLA- Leave Provisions for Spouses Working for the City**

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is Twelve (12) weeks if FMLA leave is taken for the adoption or birth of a healthy child or to take care of a sick parent. In such circumstances, said leave should be granted to only One (1) parent at a time.

If FMLA is taken to care for an ill child, spouse, or the employee's own serious illness, then each spouse is entitled to Twelve (12) total weeks of leave.

### **FMLA- Job Restoration**

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

### **FMLA- Employee Benefits during FMLA**

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

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

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

Employees who fail to return to work on the first day following the end of the FMLA will be deemed to have terminated their employment with the City, unless the employee otherwise notifies their Supervisor prior to the end of their FMLA.

### **FMLA- Certification**

Medical certification, by a qualified health care provider, of the need for FMLA for medical reasons is required. A certification form may be obtained from the Human Resources Department. This form should be filled out and returned to the Human Resources Department. When the leave is foreseeable and at least Thirty (30) days notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within Fifteen (15) calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these Fifteen (15) calendar days must provide a reasonable explanation for the delay along with the certification.

Once the completed medical certification has been received by the Human Resources Department, it is the responsibility of the Director of Human Resources to review the certification and approve or deny the leave as FMLA. Once the decision is made regarding the FMLA certification, the Department Director and the employee will be notified.

Qualified health care providers include, but are not limited to: doctors of medicine or osteopathy; podiatrists; dentist; clinical psychologists; optometrists; chiropractors; and, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the practice under State law. Qualified health care providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, of Boston, Massachusetts.

### **FMLA- Release to Return to Work**

A medical doctor's release is required for all City employees who return to work from FMLA which is taken for the employee's own serious health condition. Such release shall be provided to the Human Resources Department prior to returning to work.

### **FMLA- Dispute Resolution**

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

### **FMLA- Medical Leave of Absence**

The City recognizes that an employee may, because of medical reasons, be absent from their regular duties for a period in excess of the time periods covered by the leave allowance policy and Family Medical Leave. A request for medical leave must be completed in order to be eligible. The City, therefore, has developed the following policy to govern all extended medical leaves of absences.

Procedure for taking leave- The employee must notify the Supervisor as soon as it becomes evident that time provided by the City's sick leave policy and FMLA will not be adequate for the employee's proper treatment or recovery time. This condition must be confirmed by presenting a letter to the Director of Human Resources from the diagnosing physician as soon as possible, and said letter must contain information on the nature of the condition and anticipated dates of the leave of absence. The City may request that any employee, whether or not specifically requesting a medical leave of absence, be examined by a physician chosen and paid for by the City before granting a medical leave of absence or allowing the employee to continue working. This is in order to determine whether and when the employee's condition requires that they cease active job duties. The opinion of the City's chosen physician, if any, shall in all cases be deemed determinative of the employee's ability or inability to continue to work for the duration of the leave of absence. If necessary, the City may require the opinion of a third healthcare provider.

**6.15 EXTENDED LEAVE MEDICAL REVIEW BOARD-** In the event of a catastrophic illness or injury to an employee, a City Council member will be selected by the Mayor through random method to act as Chairman of the Review Board. The Review Board will approve or disapprove an extended leave of absence to allow the employee sufficient time to recuperate from the event or trauma. The additional Review Board members will consist of the employee's Department Director, the Director of Human Resources, and the final member will be a Director from another City Department. Medical verification will be required prior to approval of any extended leave.

Reemployment upon return from Leave- It is the desire of the City to reinstate to their former position or a position of like pay any employee who desires to return to work after authorized medical leave of absence. However, the City, at its own sole discretion and based upon its own determination of business necessity, may at any time, hire a replacement to fill the position of an employee who is on medical leave of absence.

#### **6.16 MISCELLANEOUS LEAVE**

The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be pre-approved by the Department Director. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid.

The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to the City's Travel Policy. However, no such expenses will be reimbursed without receipts documenting actual payment of such expenses. The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaint(s) as well as disciplinary action.



### **6.17 RETIREMENT SYSTEM**

All regular full time, non-uniformed employees shall participate in the Arkansas Public Employees Retirement System (APERS). The City will contribute at the rate determined by APERS. For additional information regarding the retirement system, employees are encouraged to visit the APERS website, [www.apers.org](http://www.apers.org), or contact them at 501.682.7800.

All uniformed employees are covered by state statute, under the Arkansas Local Police and Fire Retirement System (LOPFI). For additional information regarding the retirement system, employees are encouraged to visit the LOPFI website, [www.lopfi-prb.com](http://www.lopfi-prb.com), or contact them at 501.682.1745.

### **6.18 EMPLOYEE HEALTH BENEFITS**

The City provides a group health plan for all its regular full time employees. Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from the Human Resources Department.

### **6.19 EDUCATION INCENTIVE PROGRAM**

Upon graduation from an accredited institution with an Associate's Degree, Bachelor's Degree, or Master's Degree, a regular full time employee will become eligible for the City's Education Incentive Pay Program.

Incentive pay will be calculated based on the highest earned degree and will be paid on each paycheck. Please ask your Supervisor or the Human Resources Department for the amount paid for each degree.

In addition, under ACA §21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of Fifteen (15) days with pay plus necessary travel time within a calendar year. This time is in addition to other leave that the City offers, such as vacation, discretionary, and birthday. As mentioned below, FMLA provides further rights to family members of military personnel.

Employees on military leave must use their military leave pay of Fifteen (15) days prior to any other leave being used.

## 6.20 EDUCATION/TUITION REIMBURSEMENT

The tuition reimbursement program is for employees seeking undergraduate and graduate degrees from a fully accredited institution. Employees who receive grant money, have received a scholarship, or are receiving any other type of financial assistance will qualify for reimbursement through his program only for the part of their tuition which has not been paid by the grant, scholarship, other sources, etc. To be eligible for tuition reimbursement, the following requirements must be met:

- ↪ Employee must be a continuous regular full time employee of the City for a minimum of One (1) year;
- ↪ Employee must only attend classes during their off-duty hours and classes must not interfere with the normal performance of the employee's duties. Homework is not to be completed during the employee's working hours;
- ↪ Course must be limited to those that lead to improvement in job performance and/or apply to degree requirements as determined by the Director of Human Resources;
- ↪ Course enrollment must be limited to accredited institutions only;
- ↪ Expenses paid by the City are for tuition and fees only;

Reimbursement will be based on the following:

- ↪ One Hundred (100) percent tuition reimbursement for a grade of A.
- ↪ Seventy Five (75) percent tuition reimbursement for a grade of B.
- ↪ Fifty (50) percent tuition reimbursement for a grade of C.
- ↪ Tuition reimbursement will not be paid for a grade of D or F, or for a fail in a "pass/fail" scenario.
- ↪ Reimbursement by the City to the employee will be made when the employee provides an official transcript or grade report to the Human Resources Department showing the final grade and credits earned. The employee must submit the transcript as well as the receipt within Ninety (90) days of class completion.
- ↪ The employee that receives tuition reimbursement must continue their employment with the City for at least One (1) year after the completion of the last course. Reimbursement of expenses paid by the City will be required in the event the participant's employment is terminated, voluntarily or involuntarily, within the One (1) year period as outlined above.
- ↪ Tuition reimbursement is not taxable income up to Five Thousand Two Hundred Fifty Dollars (\$5,250.00) per year. Any amount of reimbursement above Five Thousand Two Hundred Fifty Dollars (\$5,250.00) per year is considered taxable wages.

## **6.21 WORKERS' COMPENSATION**

Employees injured on the job will be covered by the State Workers' Compensation Plan for Municipal Employees. Any employee injured on the job must contact their Department Director immediately, or as soon as possible, for initiating proper incident or accident reports. All incidents/accidents must be filed within One (1) work day of the incident/accident, unless the employee is incapacitated. Department Directors are to be verbally notified immediately of any such incident/accident. As well, the Director of Human Resources must be notified immediately by the Department Director.

All compensation under this plan shall be in accordance with applicable laws and policies. Employees shall receive their regular rate of pay during the period(s) of a worker's compensation claim on the condition that they relinquish the worker's compensation pay to the City's Finance Department as received by an employee through the City's Worker's Compensation plan. All appropriate claims for benefits must be processed through the Human Resources Department. It is very important for Worker's Compensation forms and other information to be delivered directly to Human Resources. It is the employee's responsibility to ensure that the Human Resources Department has the original copy of the initial notifications, doctor evaluations, excuses from duty, and written return-to-duty.

Any employee injured while on duty must notify their Supervisor immediately or as soon as possible, for completion of an incident and/or accident report. After receiving such notification of a work-related injury, Supervisors must:

- Gather information to determine if the injury was work-related;
- Contact the Department Director;
- Complete the Supervisors Accident Report and submit the original copy to the Human Resources Department upon receiving the director's signature, and,
- If the employee requires medical attention, they must go to the Human Resources Department as soon as possible to complete appropriate workers' compensation paperwork.

If, after Twelve (12) weeks off from work, the employee is unable to return to work, the employee will be required to request a meeting with the Medical Review Board. Refer to the Medical Review Board section of this Manual.

## **7.0 STANDARDS OF CONDUCT**

### **7.1 COMMUNICATION WITH THE PUBLIC**

Employees of the City shall at all times be civil, orderly, and courteous in their conduct and demeanor towards the public. Each employee should treat members of the public with respect and efficiently provide responses to their inquiries or requests. This attitude or approach to public service cannot be overemphasized.

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

If an employee is contacted by a member of the media, the employee should realize that it is not their responsibility to communicate with the media. The employee may advise the media that they will have their Supervisor contact them as soon as they become available.

### **7.2 UNIFORMS AND PERSONAL APPEARANCE**

Uniforms or uniform allowance will be provided to employees of certain departments as authorized by the Department Director and City Council. Employees who are provided uniforms or uniform allowance shall wear such uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her Supervisor or Department Director. Each Department Director may establish a dress code in order to suit the needs of that department.

### **7.3 REFUSAL TO WORK**

A City employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the City shall cause the employee to forfeit his/her employment and result in the termination of the employee from the City.

#### **7.4 JOB SAFETY**

The City strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he/she should ask their Supervisor or Department Director for the correct method. Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- ↳ Follow all departmental safety rules;
- ↳ Use all mechanical safeguards on or for employee equipment;
- ↳ Immediately cease using and report any faulty or potentially faulty equipment to the Supervisor or Department Director;
- ↳ Immediately report any unsafe or potentially unsafe, working conditions or equipment;
- ↳ Immediately report every accident to the Supervisor or Department Director, and,
- ↳ Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his/her friends/family members; stalking; and, destruction of personal and/or City property. Dangerous items of any nature, such as weapons, explosives, or firearms, will not be permitted on City property or in an employee's possession while conducting City business offsite and theft of any kind will not be tolerated among City employees.

#### **7.5 PROFESSIONALISM**

This Policy Manual sets out basic principles and standards of conduct to guide all elected officials, appointed officials, employees, and volunteers who represent the City in any capacity. The Policy is to promote public confidence in the integrity of City governmental and its effective and fair operation. This Policy is a means to employ independent, objective judgment in the performance of municipal duties. Municipal matters are to be based on merit, free from avoidable conflicts whether real or apparent.

This Section addresses standards for ethical behavior by municipal representative. As with any policy, it is not possible to provide guidance for all improper business practices. If a situation arises which is ambiguous or is not specifically addressed by this Policy, municipal representatives should avoid the conflict of interest or compromising action. If a municipal representative has questions or concerns, he/she may contact the Human Resources Department.

## 7.6 GUIDELINES FOR APPROPRIATE CONDUCT

The City expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the beliefs, rights and feelings of others, but also demands that while at work and in their personal lives employees refrain from behavior that might be harmful to other employees, co-workers, citizens, and/or the City. Whether an employee is on-duty or off-duty, his/her conduct reflects on the City. An employee must observe the highest standards of professionalism at all times.

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

- ✘ Falsifying employment or other City documents or documents relied upon by the City;
- ✘ Making intentional false reports of discrimination or harassment or other false statements regarding employees;
- ✘ Retaliating against an employee who makes a good faith complaint;
- ✘ Fraudulent reporting of travel expenses;
- ✘ Working off the clock;
- ✘ Being convicted of, or pleading guilty or no contest to a serious criminal offense;
- ✘ Assigning work that clearly violate the City's safety policy or is illegal;
- ✘ Insubordination and/or being flagrantly rude;
- ✘ Disregarding safety standards;
- ✘ Violating any City discrimination and/or harassment policy;
- ✘ Soliciting or accepting gratuities from citizens;
- ✘ Excessive absenteeism or tardiness;
- ✘ Reporting to work intoxicated/under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- ✘ Buying or using alcoholic beverage while on City property or using alcoholic beverages while engaged in City business, except where authorized;
- ✘ Failing to produce a valid prescription when testing positive for prescription drug use;
- ✘ Refusal or failing to take a required drug test within the specified amount of time;
- ✘ Failing to notify the Supervisor of any medication that may inhibit the ability to work;
- ✘ Fighting or using obscene, abusive or threatening language or gestures;
- ✘ Theft of property from co-workers, citizens or the City;
- ✘ Excessive, unnecessary or unauthorized use of City property;
- ✘ Violations of the law;
- ✘ Unauthorized possession of firearms on City premises or while on City business;
- ✘ Excessive personal phone calls/text messaging while on City time, and/or,
- ✘ Neglect or carelessness resulting in damage to City property or equipment.

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

## **7.7 CONFLICTS OF INTEREST**

Municipal representatives must avoid conflicts of interest involving the City of its business. A conflict of interest occurs when an individual's private interest interferes in any way, or even appears to interfere, with the interests of the City as a whole. A conflict situation can arise when a municipal representative takes actions or has interests that may make it difficult to perform his/her work for the City objectively and effectively. Conflicts of interest also arise when a municipal representative or their relatives receive improper personal benefits with the City. In accordance with state laws, officers will disclose financial interests and they will abstain from participating in deliberations and decision-making where conflicts may exist.

In the event that a municipal representative considers that a personal association may cause or appear to cause a potential conflict of interest, he/she may declare such in writing and request that the declaration is kept on file.

Municipal representatives will perform their duties without regard for personal benefit.

A municipal representative is prohibited from engaging in a financial transaction for his/her private business purposes as it relates to City business. Furthermore, a municipal representative will not perform an official act to the economic benefit of a business or other undertaking in which he/she either has an interest or is engaged as counsel, consultant, representative, or agent.

## **7.8 OUTSIDE COMPENSATION**

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

# **SECTION 8 ABSENTEEISM AND TARDINESS**

## **8.1 PURPOSE**

It is the policy of the City to establish sick leave guidelines that will prevent employees from suffering loss of pay when they are unable to work due to an injury or illness but in keeping with the mission and goals of each Department allows provisions for the effective and efficient delivery of exceptional public services to its citizens.

Regular attendance by all employees is essential to effective business operations, and the City expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive, and place an unnecessary burden on fellow employees, Supervisors, City government as a whole, and the citizens receiving City services.

Should an employee be unable to report to work on time because of illness or personal emergency, he/she should give proper notice to his/her Supervisor.

Sick leave may be taken when an illness or injury renders the employee unfit for work or an illness is of a nature that the employee's presence would expose other members in the work place to a communicable disease.

Employees may use sick leave for necessary dental, medical, optical, and psychological appointments that cannot reasonably be scheduled during non-working hours of the employee. An employee shall notify their Supervisor in writing or by email of the date and time of the appointment no less than Five (5) days in advance, except in cases of emergency. The scheduling of such time off shall be subject to reasonable needs of the department.

An employee may credit sick leave to personal health care appointments, illness, and injury. However, an employee absent from work for more than Two (2) consecutive work days must bring a signed statement from their physician to their Supervisor to verify the cause for absence. A copy of the physician's statement must be attached to the employee's payroll time sheet in the appropriate pay period. The physician's statement must include the date of appointment(s) and when the employee may return to work full-duty. If there are any limitations, the Department Director will determine if light/modified duty can be accommodated.

Employees who are unable to report for duty due to illness must contact their Supervisor at least One (1) hour prior to the beginning of his/her assigned work time.

If the employee has taken Three (3) consecutive days or more of sick leave due to a serious health condition, the employee shall refer and adhere to the City Policy Manual- FMLA. It is the employee and their Supervisor's responsibility to insure that the employee follows the guidelines stated therein.

Any employee who becomes ill, requiring the need to leave work the employee must immediately notify their immediate Supervisor or if unavailable, the next person in their chain of command to obtain approval or disapproval for sick leave. When sick leave is denied, the employee's Supervisor, as soon as practical, will contact the employee and explain the reason for the denial.

## **8.2 ABUSE OF SICK LEAVE**

When a pattern develops concerning an employee's sick leave use indicates abuse, the Department Director may require the employee to submit to a job related fitness for duty evaluation by the City's healthcare professional in order to determine whether or not the employee is able to perform the essential functions of his/her position. The essential functions of the job include the ability to maintain a record of regular and predictable attendance and punctuality, and if required by the position, the ability to answer calls at any time of the day or night, and/or to work overtime.



Abuse of Sick Leave shall be defined as any pattern of sick leave usage that indicates an employee is failing to fulfill the obligations of their job or assignment.

The City may require the employee to obtain a healthcare professional's statement on a form meeting the City's requirements for each subsequent absence for which sick leave is claimed for a period of Ninety (90) working days after being notified that a pattern of sick leave abuse has been established.

The Supervisor and/or Department Director may take disciplinary action, including termination when the employee is able to correct the abuse of sick leave but fails to timely do so.

The employee is expected to assist in the above regard by providing any necessary releases to authorize the medical provider to provide the employee's medical information to the Department Director and/or the Human Resources Department.

### **8.3 SICK/DISABILITY LEAVE BENEFIT**

Sick leave granted to employees is considered a benefit intended to prevent employees from suffering loss of pay when they are temporarily unable to work due to an illness or injury.

Sick leave is not time off due employees, but a benefit granted employees who are temporarily incapacitated and unable to perform the essential functions of their position or assignments.

While receiving sick leave benefits from the City, employees shall adhere to the following:

- ↳ During administrative business hours, remain accessible by telephone and be available at home or within One (1) hour of driving time to the Department, unless permission is granted in advance by the Supervisor or Department Director;
- ↳ Employees will not engage in activities that prolong the injuries or illness.

### **8.4 FICTITIOUS ILLNESS OR INJURY**

No employee shall fake an illness or injury, falsely report themselves ill or injured or otherwise deceive any Supervisor or their designated representative. Any employee who violates this section may be disciplined, including termination.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns (i.e., regularly reporting late on Monday mornings or calling in absent on Fridays), or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action, including termination. "Proper notice" is defined by the City as notice in advance of the time an employee should report for work or no later than One (1) hour thereafter if more advance notice is impossible.

## 8.5 PATTERNS OF SICK LEAVE ABUSE

The ability to maintain a regular and predictable record of attendance and punctuality is an essential function of every position within the City. Employees are expected to be available for work during all hours they are scheduled to work unless a legitimate medical condition incapacitates them or a legitimate emergency occurs beyond their control. Establishing a pattern of regularity of failing to be at work on time, with or without medical verification, may result in disciplinary action, including termination.

Examples of incidents or patterns of sick leave abuse may include, but are not limited to, the following:

- Calling in sick or leaving work in excess of Seven (7) non-consecutive instances during a Twelve (12) month period without medical provider certification of incapacity for all hours absent;
- Calling in sick frequently before or after regular scheduled days off;
- Calling in sick frequently on the days preceding and following holidays;
- Calling in sick on days when workloads are known to be heavy, work is undesirable, interpersonal or other conflicts exist, or other conditions that may indicate to the Supervisor or Department Director that an instance or undesirable pattern of sick leave use has occurred, that may indicate the employee is fraudulently claiming sickness to avoid work;
- Calling in sick after previously indicating a desire to take off work when no other paid leave is available or approved;
- Remaining absent from work when the employee's or City's health provider certified the employee is able to return to work and can perform the essential functions of the employee's regular position, or the equivalent, which includes maintaining records of regular, predictable attendance;
- Calling in sick when the employee's work is caught up so as to be unavailable for other work or assignments;
- Coming in late or leaving early frequently, claiming sickness;
- Taking off a full shift for a doctor's appointment when not incapacitated or required by medical necessity to remain absent the entire shift;
- Any other absence using sick leave controllable by the employee which the employee's Supervisor can document as negatively affecting the performance of the employee or the department; and/or,
- Using sick leave and engaging in activities not consistent with the recovery or care for the claimed illness or injury.

Exceptions include absences or instances of tardiness that have been certified as FMLA shall not be counted in the number of sick leave absences for the purposes of calculating sick leave abuse.

Supervisors and Department Directors are required to monitor employee attendance and are responsible for instituting corrective action to address abuses of sick leave benefits or violations of the City's attendance policies.

#### **8.6 SICK LEAVE/OFF-DUTY EMPLOYMENT**

Employees will not work any off duty employment for a period of Twenty-Four (24) hours following the end of the shift for which the employee reported sick.

Employees will not work off duty while on sick leave. Employees are also not allowed to work off duty on a scheduled day off when sick leave was taken in conjunction and/or prior to their scheduled day off.

In the event an employee becomes ill or is injured while working outside employment prior to reporting for City duty, a request for sick leave may be approved if the employee informs the Supervisor of the circumstances at the time of the sick leave. The employee must provide a detailed written explanation of the circumstances to the Supervisor upon returning to duty.

If any part of this Section is violated, disciplinary action may be taken, including termination.

## **SECTION 9 PROGRESSIVE DISCIPLINE POLICY AND PROCEDURE**

### **9.1 PURPOSE**

Our progressive discipline policy and procedure is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. It has been designed consistent with our City's values, HR best practices, and employment laws.

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

## 9.2 PROCEDURE

### Step 1: Counseling and Verbal Warning

↳ Step 1 creates an opportunity for the Department Director and/or Supervisor to schedule a meeting with an employee to bring attention to the existing performance and/or conduct issue. The Supervisor should discuss with the employee the nature of the problem or violation of City policies and procedures. The Supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem. Within Five (5) business days of the initial discussion, the Supervisor will prepare written documentation of a Step 1 meeting. The employee will be asked to sign this document. The employee's signature is needed to demonstrate the employee's understanding of the issues and corrective action needed.

### Step 2: Written Warning

↳ While it is hoped that the performance and/or conduct issues that were identified in Step 1 have been corrected, the City recognizes that this may not always be the case. A written warning involves a more formal documentation of the performance and/or conduct issues and consequences. During Step 2, the Department Director and/or immediate Supervisor will meet with the employee and review any additional incidents or information about the performance and/or conduct issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his/her continued failure to meet performance and/or conduct expectations. A warning outlining that the employee may be subject to additional discipline, including termination, if immediate and sustained corrective action is not taken may also be included in the written warning.

### Step 3: Suspension and Final Written Warning

↳ There may be performance and/or conduct incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary, the Department Director and/or immediate Supervisor may suspend the employee pending the results of an investigation. Only the Department Director, Human Resources Director, and/or the Mayor have the authority to suspend an employee. Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state, and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use vacation leave or sick leave in lieu of unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. Human Resources will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

## **Step 4: Recommendation for Termination of Employment**

↳ The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the City will try to exercise the progressive nature of this policy by first providing warnings, final written warning, and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the City reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Management's recommendation to terminate employment must be approved by the Department Director, or designate.

Nothing in this Policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City and its employees.

### **9.3 ADMINISTRATIVE REVIEW**

Employees will have the opportunity to present information that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee performance and/or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, he or she will have Ten (10) calendar days after that meeting to present such information to their Department Director.

Uniformed Employees have the right to appeal their suspension and/or termination to the Civil Service Commission within Ten (10) calendar days of the date of said suspension or termination.

### **9.4 PERFORMANCE AND CONDUCT NOT SUBJECT TO PROGRESSIVE DISCIPLINE**

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting, and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

### **9.5 DOCUMENTATION**

The employee will be provided copies of all progressive discipline documentation. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be placed in the employee's official personnel file located in the Human Resources Department.

## **SECTION 10      EMERGENCY SITUATIONS AND INCLEMENT WEATHER**

### **10.1    EMERGENCY SITUATIONS**

It is the policy of the City to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City offices. Such situations shall be determined by the City Council after consideration of all facts. Essential personnel required to be at work under emergency situation shall receive their normal rate of pay.

At times it may be necessary to close individual offices due to limited staffing levels, special Departments meetings, etc. Arrangements shall be made with other departments, switchboard, etc. to handle any emergency situations during the department's closure. A skeleton crew shall remain in each department to cover phones and assist the public when at all possible.

### **10.2    INCLEMENT WEATHER**

In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his/her Supervisor for instructions regarding job assignments for that particular work day. If an employee's Department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him/her to get to work safely, the employee will have the option of taking the time off as vacation leave. Regardless of the situation, an employee is required to give his/her Supervisor proper notice if he/she is unable to report for work.

If the Mayor or his/her designated representative makes the decision to close, open late, or close early, this will be posted on the City's website, [www.cityofjacksonville.net](http://www.cityofjacksonville.net). If you do not have access to the Internet, please refer to your local television or radio program, have your name and number on the City's Code Red system, and/or contact your Supervisor. It is not the responsibility of the City to contact employees directly.

In the event City offices open late, employees should report to work at or before the time that the Mayor determines appropriate. Employees will be compensated at their normal rate of pay for the period prior to the designated time, during which City offices were closed. For example, if the Mayor makes the decision to open City offices at 10:00 a.m., and the employee arrives to work at 10:00 a.m., that employee will still be compensated for a normal work day. However, if the employee determines that it is not safe for them to drive and do not report to work at all that day, they must use their vacation, discretionary, or birthday.

It may be necessary to work longer hours later in the week due to a closing or delayed opening. For non-uniform employees, overtime will be paid to employees who work more than Forty (40) hours during that week, meaning that time paid for office closures and delayed openings will not count towards actual hours worked.

## **SECTION 11 USE OF CITY ASSETS AND RESOURCES**

### **11.1 Telephones**

Telephones are to be used to conduct City business. Long distance calls of a personal nature are prohibited unless prior approval is received in writing from the Department Director. Although occasional, limited personal telephone calls/text messages are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.

Cell telephone calls are more expensive than those using ordinary telephone services. These higher costs shall be weighed against the level of employee need and expected usage. City cell phones should be used only when a lower cost alternative is inconvenient or not readily available. Cell transmissions can be overheard by others. Discretion should be used in discussing confidential information using cell communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of City cell equipment.

City-issued cell phones should be used for City business-related purposes only. Personal calls/text messages are to be minimized. The City reserves the right to monitor the billing and use of all City-issued mobile phones and has the authority to withhold any improper/unauthorized charges from the employee's wages for reimbursement purposes.

By accepting the use of a City cell phone, employees agree to promptly reimburse the City for all personal calls/text messages made which are deemed by the City to be excessive in frequency, duration and/or charges.

Employees are responsible for maintaining a record of the phone numbers, names of persons and/or businesses contacted, or who was called/were called for personal reasons and provide a copy of such records to the Finance Department. In the alternative, the required information may be noted on the monthly mobile service billing. The employee shall attach a copy of the receipt or check to the mobile phone bill to show reimbursement has been made to the City for any personal calls.

Any employee who violates the conditions of these policies relating to mobile phone usage is subject to having the use of his/her City-issued mobile phone terminated.

## 11.2 Computers and other Technological Resources

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

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

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



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

Computer equipment, including software, should not be removed from City premises without prior written approval from the Department Director and/or the Director of I.T. The City reserves the right to monitor and inspect, with or without notice, the use of its information and technology resources.

### **11.3 Internet Access**

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

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

### **11.4 Electronic Mail and Confidentiality**

The City provides electronic mail for business purposes. The City maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or that access by the City or its designated representative will not occur. Therefore, any personal use of the City's electronic mail system must be kept to a minimum.

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

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

### **11.5 Authorized Social Networking**

The goal of authorized social networking and blogging is to become a part of the municipality conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking and blogging is used to convey to the public information about the City's services, promote and raise awareness of the City, communicate with employees and citizens, to issue or respond to breaking news or events, and discuss City and department-specific activities and events.

When social networking, blogging, or using other forms of web-based forums, the City must ensure that use of these methods of communication maintains our brand identity, integrity, and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

### **11.6 Personal Blogs**

The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

The City respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenter's are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenter's can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the City.

The City takes no position on your decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of the City to protect itself from unauthorized disclosure of information. The City's social networking policy includes rules and guidelines for City-authorized social networking and personal social networking and applies to all employees.

Employees cannot use employer-owned equipment, including computers, City-licensed software or other electronic equipment, nor City facilities or time to conduct personal blogging or social networking activities.

Employees cannot use blogs or social networking sites to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with the City.

If you choose to identify yourself as a City employee, please understand that some readers may view you as a spokesperson for the City. Because of this possibility, we ask that you state that

your views expressed in your blog or social networking area are your own and not those of the City, nor of any person or organization affiliated or doing business with the City.

Employees cannot post City-privileged information, including copyrighted information or City-issued documents.

Employees cannot post on personal blogs or social networking sites photographs of other employees, citizens, vendors or suppliers, nor can employees post photographs of persons engaged in City business or at City events.

Employees cannot link from a personal blog or social networking site to the City's internal or external web site.

If contacted by the media or press about their post that relates to the City, employees are required to speak with their Supervisor before responding.

If you have any questions relating to this policy, your personal blog or social networking, ask your Supervisor, Director, or the Director of Human Resources.

### **11.7 General Provisions**

Blogging or other forms of social media or technology include, but are not limited to: video or wiki postings; sites such as Facebook, MySpace, and Twitter; chat rooms; and/or, personal blogs or other similar forms of online journals, diaries, or personal newsletters not affiliated with the City.

Unless specifically instructed, employees are not authorized and are restricted to speak on behalf of the City. Employees may not publicly discuss other employees or any work-related matters, whether confidential or not, outside City-authorized communications. Employees are expected to protect the privacy of the City and its employees and citizens and are prohibited from disclosing personal employee and non-employee information and any other non-public information to which employees have access.

### **11.8 Employer Monitoring**

Employees are cautioned that they should have no expectation of privacy while using the Internet. Postings can be reviewed by anyone, including the City. The City reserves the right to monitor comments or discussions about the City, its employees and its citizens, posted on the Internet by anyone, including employees and non-employees. The City uses blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forums, and social networking sites. The City reserves the right to use content management tools to monitor, review or block content on City blogs that violate City blogging rules and guidelines.

### **11.9 Reporting Violations**

The City requests and strongly urges employees to report any violations or possible or perceived violations to their Supervisor, director or the Director of Human Resources.

### **11.10 Rules and Guidelines**

The following rules and guidelines apply to social networking and blogging when authorized by the employer and done on City time. The rules and guidelines apply to all employer-related blogs and social networking entries.

Only authorized employees can prepare and modify content for the City's web site and/or the social networking entries representing the City. Content must be relevant, add value, and meet at least One (1) of the specified goals or purposes developed by the City. If uncertain about any information, material or conversation, discuss the content with your Supervisor.

All employees must identify themselves as employees of the City when posting comments or responses on the employer's blog or on the social networking site.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted on the City's blog.

Departments are responsible for ensuring all blogging and social networking information complies with the City's written policies. Department Directors are authorized to remove any content that does not meet the rules and guidelines of this policy or that may be illegal or offensive. Removal of such content will be done without permission of the blogger or advance warning.

The City expects all guest bloggers to abide by all rules and guidelines of this policy. The City reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. The City also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

### **11.11 Discipline for Violations**

The City investigates and responds to all reports of violations of the social networking policy and other policies. Violation of the City's social networking policy will result in disciplinary action, including termination. Discipline will be determined based on the nature and factors of any blog or social networking post. The City reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

## **SECTION 12 TRAVEL**

### **12.1 POLICY**

Department Directors or their assigned representative(s) is/are responsible for dissemination of policies and procedures to all employees within their Department. The Department Director(s) or their assigned representative(s) is/are responsible for verification and approval of all Requisitions, Travel Expense Reports, and receipts/requests for reimbursement. Individual employee(s) are responsible for submission of all required information, receipts, and other related documents to the Finance Department. The employee must submit a completed Travel Expense Report to their Department Director or their assigned representative within Five (5) days of their travel return. The Department Director or their assigned representative is then responsible for submitting said information to the Finance Department within Ten (10) days of the employee's return date.

Any employee(s) traveling on official business is responsible for insuring he/she understands these policies and procedures and complies accordingly. Any unusual circumstances or exceptions must be clarified and pre-approved, as should any deviations from policy (in writing) by the Department Director or the assigned representative.

"Reimburse" or "reimbursement" as it appears anywhere in this Policy requires that detailed documentation must be provided with any submitted final Travel Expense Report before reimbursement will occur.

In order to afford employees maximum flexibility in the accomplishment of their assigned tasks, the City will pay travel expenses directly related to official business in accordance with amounts authorized herein. Travel expenses for official business may include the cost of out-of-town conferences, professional associations dues or membership fees, intensive training of the "short course" nature on particular relevant topics/issues, and attendance costs for meetings with state and federal authorities on City/Department related matters. All travel expenses for employees must be approved by their Department Director or their assigned representative. Travel expenses for Department Director(s) must be approved by the Mayor or their designated representative(s).

### **12.2 PROCEDURE**

The Department Director or their assigned representative must approve all requests for official travel using the Request for Travel Form prior to any employee's departure for said trip. The Department Director or their assigned representative will evaluate the impact of travel requests against factors to include but not be limited to budgetary constraints, the related nature of the traveling employee's proposed activities in relation to the expense(s) to be incurred, and the applicability of said expenses to the overall improvement of services to the citizens before approval/denial is made.

**Transportation:**

An employee may choose to extend travel beyond the time required to conduct their training or City matters. However, time and any relevant expense(s) incurred in excess of the City's intended purpose(s) are the sole responsibility of the employee. Such arrangements must be approved in writing in advance, other than unforeseen emergencies, by the employee's Department Director or their assigned representative.

Airline ticket payment will be made for actual coach cost incurred. The employee has the option of using their own resources (cash, credit card, etc.) to purchase reimbursable tickets, or the following procedure may be utilized for the City to purchase tickets. A Purchasing Requisition payable to American Express combined with an approved Airline Itinerary and Confirmation Locator Number (supplied by the airline for tickets placed on 24-hour hold) must be submitted to the Finance Department as soon as reservations are made.

Mileage reimbursement for use of a private vehicle is allowable only if a City vehicle is not available for use by the employee. An employee must request use of a City vehicle by your Department Director or their assigned representative. If a City vehicle is not available, then mileage will be reimbursed on a per mile basis at the current reimbursement rate. Trip distances will be computed (and printed) using a travel website. However, personal vehicle mileage reimbursement cannot exceed the lowest coach airfare available at the time of the travel request (documentation must be provided), nor can food and lodging expense be for more than One (1) additional day of travel time to and/or from the destination location. Any exceptions to such a limitation must have prior written approval from the Department Director or their assigned representative before reimbursement will be eligible.

Reimbursement for use of personal vehicles to travel to and from the airport will be One (1) round trip if utilizing airport parking, or Two (2) round trips if not utilizing airport parking. Mileage is paid from either City Hall or the employee's normal residence, whichever is closer to the departure venue (i.e. airport, train station, etc.). If travel is mandated by the Department Director or their assigned representative on a non-regularly scheduled workday, round trip mileage from the traveler's home of record is authorized.

Taxi fare and similar public transportation is reimbursable for all necessary City business related trips.

Rental vehicles for official City travel require prior written approval from the appropriate Department Director or their assigned representative. Written justification for renting vehicles as well as cost estimates for the rental of the vehicle and the required collision insurance must accompany all requests for travel. Actual costs of mid-sized or smaller vehicles rented from nationally recognized car rental agencies are reimbursable.

Fuel for City-owned vehicles is reimbursable. Use of City-owned vehicles outside City limits requires written justification from the traveling employee's Department Director or their designated representative. Where practical, employees must use the City's fuel card.

## **Food and Beverage**

Detailed meal receipts which include individual items purchased are required for reimbursement. Allowance for meal expense(s) will be paid on a daily, partial day, or weekly rate, depending upon departure and return times. Purchase of snacks is allowed but will be deducted from your daily meal allowance and must be accompanied by a receipt. Breakfast allowance is not provided for travel with an initial departure time later than 8:00 a.m. Dinner allowance is not allowed for a final arrival time earlier than 6:00 p.m.

For travel within Arkansas, the per diem allowance, including tips, is Forty-five Dollars (\$45.00). A per meal allowance will be: Breakfast – Ten Dollars (\$10.00); Lunch – Ten Dollars (\$10.00); and, Dinner – Twenty-five Dollars (\$25.00), for a daily total of Forty-five Dollars (\$45.00), including tips. In cases where a meal(s) is provided by the attended function's sponsors, no allowance will be paid for such meal(s). For out-of-state travel, any variation of the above amounts will be determined and authorized by the Director of Finance using current IRS regulations.

Reimbursement of meals for other purposes (i.e., meetings, training sessions, event sponsorship, etc.) must state the name of guest(s), nature of City business being conducted, and must be pre-approved in writing by the Department Director or their assigned representative. The City will not reimburse costs for alcoholic beverages.

## **Lodging**

The City will reimburse charges for single room rate, taxes, and phone calls made on behalf of the City where it is reasonably expected that a prudent traveler could not return to their residence. Daily lodging reimbursement in excess of One Hundred Twenty Dollars (\$120.00), together with applicable and charged taxes requires pre-approval by the Department Director or their assigned representative

## **Tips**

Food- Fifteen Percent (15%) is the maximum tip allowed for reimbursement when any such expense is not automatically included in the bill. Non-food tips such as taxi, bell hop, shuttle, etc., are reimbursable at a maximum of Ten Percent (10%) per service event.

## **Parking**

Expenses incurred for parking are reimbursable with receipt. Any airport parking will be reimbursed at the long-term parking rate.

## **Other Miscellaneous Expenses**

Business related miscellaneous expenses (Manuals, tapes, publications, etc.) purchased for and becoming the property of the City may be reimbursed with written approval by the Department Director or their assigned representative. Unless included in any applicable registration fee(s), leisure activities are not reimbursable. An employee is responsible for any and all expenses incurred by family members/companion(s) who accompany the employee on travel.

### **12.3 REQUEST FOR ADVANCE TRAVEL EXPENSE PROCESSING**

Advance payment may be requested for meals, mileage, taxi, tips, etc. The traveling employee must submit the required Purchasing Requisition, showing estimated expenses, along with a copy of the pre-registration form for the event attending and a copy of the travel expense report to the Department Director or their assigned representative. The Department Director or their assigned representative will evaluate these requests and forward them to the Finance Department at least Seven (7) business days prior to the intended travel for issuance of advance travel expense checks.

The Finance Department will not make advance travel payments if there are outstanding post-travel forms or refunds past due from the requesting employee unless approved by the Director of Finance.

### **12.4 SUBMISSION OF ACTUAL REIMBURSABLE EXPENSES**

An employee requesting reimbursement must submit a completed copy of the Travel Expense Report, with all accompanying receipts and request(s) for reimbursements, to the Department Director or their assigned representative within Five (5) business days of the employee's return from travel. After review and approval by the Department Director or their assigned representative, all documents must be forwarded to the Finance Department within Ten (10) business days of the employee's return from travel. The Department Director or their assigned representative will be promptly notified of any discrepancies discovered by the Finance Department. If any money is due the City, the traveling employee will be notified of the specific amount and is to pay the City Clerk's Office. Any receipt issued by the City Clerk's Office shall first be returned to the Finance Department to attach to the Travel Expense Report, with a copy provided to the employee. After Ten (10) days, any questions or additional action will be completed through the appropriate Department Director or their assigned representative to the traveling employee. If not resolved after an additional Ten (10) days, the amount of money advanced will be deducted from the traveler's next paycheck. If any money is due the traveler, a requisition must be submitted from Department Director or their assigned representative to the Finance Department.

Receipts and/or request for reimbursements must document the expenses and explain the business purposes (who, what, when, where, & why) for the expense(s). Lodging expenses must be itemized by day, and show all miscellaneous expenses. No such expenses will be reimbursed without detailed supporting receipts.



## **12.5 OBTAINING AIRLINE TICKET POLICY - PURPOSE/RESPONSIBILITY**

### **Policy**

The City no longer uses a travel agency to obtain travel reservations for City travel. This responsibility now rests with the individual employee and his/her Department. Employees must obtain the best available airfare by reserving tickets as soon as possible and purchasing a nonrefundable, nontransferable ticket. Best prices are obtained by purchasing the tickets a minimum of Fourteen (14) days prior to any scheduled travel. Such tickets are normally nonrefundable and modifications commonly include fees of One Hundred Dollars (\$100.00) or more. Such changes also must be made prior to any schedule departure date and time or the ticket has no value. Airline policies change frequently. Therefore, be sure and check with your airline to be fully informed of all applicable policies in effect at the time of travel.

### **Procedure**

Suggestions for more economical and efficient use of travel websites to determine appropriate times and costs of travel are welcome. As well, all major airlines and several specialty travel companies have sites for comparison. Print at least Two (2) itineraries that best fits the travel arrangements. Attach the Two (2) comparable itineraries to your Travel Request Report. Prepare a Payment Requisition to American Express with the Department Director or their assigned representatives' approval so the Finance Department can pay for the tickets when received.

Deliver the completed Payment Requisition and all attachments to the Finance Department as soon as possible, and be certain the Finance Department knows the Requisition is for travel so they can call the airline and make the necessary reservation(s). The airline will send a ticket/official itinerary (commonly by e-ticket), and the Finance Department will compare the ticket/e-ticket to the Requisition documents to verify accuracy and forward the ticket/e-ticket to the traveling employee before the travel date.

All information the Finance Department receives from the traveling employee and the airline shall provide adequate documentation to pay the credit card bill promptly in order to avoid interest charges.

## **12.6 REQUIRED DOCUMENTS FOR REIMBURSEMENT**

The Finance Department must have the following documents before it can process any Request for Travel for Airfare:

Purchase Requisition payable to American Express with traveling employee's name, a brief description of the travel involved, the travel expense account number, and copies of the airline itineraries with your preference on top. Print at least Two (2) itineraries for price comparison.

## 12.7 TRAVEL EXPENSE REPORT

Travel expenses incurred for the City must be accounted, not only for individual and Department needs but also for continued public trust. The Travel Expense Report must be used for all travel by City employees and non-employees traveling on City business if reimbursement/payment is expected. Responsibility for correct submission of this form rests with the traveling employee and his/her Department Director or designated representative. The Department Director or designated representative must sign the form prior to submission. The Travel Expense Report is located on the public drive for access, or any employee may obtain such from his/her Director or their assigned representative.

All official travel must be requested and submitted on this form, whether requesting advance payment or not. Only One (1) Travel Expense Report will be completed for an employee's specific travel package, with all required estimated costs recorded and all required approvals affixed before copies are prepared for the required Purchase Requisition. This report must be approved by the Department Director or their assigned representative. The required documentation is stated below:

- ✎ Original Travel Expense Report with all signatures. Maintain until your return from travel, and then submit with expenses and receipts.
- ✎ Copy with Airfare Requisition.
- ✎ Copy with Rental Car Requisition (if paying Rental Car separately.)
- ✎ Copy with Lodging Requisition (if paying lodging separately.)
- ✎ Copy with Registration Requisition (if paying Registration separately.)
- ✎ Copy for Personal Requisition (Personal Vehicle Mileage, Taxi, Food, Lodging, Registration, & Tips if not paying separately.)

All official travel must be finalized by updating the Travel Expense Report with actual expenses. This form will be submitted with attached receipts to the Department Director or the designated representative for verification and approval. This form will then be submitted to the Finance Department to complete the travel package required for reimbursement.

**RECEIPT OF CITY OF JACKSONVILLE PERSONNEL POLICY MANUAL  
(To be placed in employee's personnel file)**

I, \_\_\_\_\_, acknowledge receipt of the City of Jacksonville Personnel Policy Manual.

I understand that this Manual is not a contract.

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

I understand that if I have any questions about the provisions contained in this Manual, I should direct them to my supervisor or the Human Resources Department.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
EMPLOYEE NAME PRINTED

\_\_\_\_\_  
DATE SIGNED