

# City of Ward

# Personnel Handbook

"Always do right. This will gratify some people and astonish the rest."

Mark Twain



Adopted by the Ward City Council on April 21, 2026

Ordinance Number O-2026-04

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## **CHAPTER 1 GENERAL POLICIES**

### **1.1 PURPOSE:**

This Personnel Handbook (hereinafter referred to as “Handbook” contains policies, practices, and procedures necessary to implement and administer the City of Ward’s (hereinafter referred to as “City”) personnel system. By adopting this Handbook, the City Council endeavors to achieve consistent treatment for all employees through the establishment of standardized guidelines and systematic procedures.

This handbook contains only general information and guidelines. It is not intended to be comprehensive and to address all the possible application or exceptions to the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Director of Human Resources.

This handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. The City of Ward is an at-will employer under the law and nothing in this handbook shall waive the city’s at-will status.

### **1.2 SCOPE:**

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

### **1.3 DEFINITION OF EMPLOYEES:**

**1.3.1 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.

**1.3.2 Exempt Employee-** An employee who is not eligible for overtime compensation as defined by the Fair Labor Standards Act (FLSA).

**1.3.3. Immediate Family Member-** For purposes of this handbook, this shall mean mother, father, brother, sister, son, daughter, grandparents, son-in-law,

daughter-in-law, spouse, spouse's parents, or those relatives who live in the employee's household, including "step" relatives. However, with respect to FMLA leave, "immediate family" means spouse, child, or parent—but not a parent "in-law" with a serious health condition.

**1.3.4 Non-Exempt Employee-** An employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

**1.3.5 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.

**1.3.6 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.

**1.3.7 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.

**1.3.9 Uniformed Employee-** Defined as an employee with the Police or Fire Department.

**1.3.10 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.

#### **1.4 Amendments and Revisions:**

This manual may be amended and revised periodically as necessary at the direction of the city council.

Since personnel practices and procedures are in a constant state of change, the city will continuously review this handbook for amendments or revisions that might better serve the needs of the city and its employees. As such, this handbook has been designed to be routinely updated and amended as the need arises.

The City of Ward 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 the personnel policies shall be approved by action of the city council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual, however advance notice may not always be possible.

This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

- 1.5 Distribution List:** A copy of this manual and all subsequent revisions or amendments shall be distributed to all employees and elected or appointed city officials.

## **CHAPTER 2 EQUAL EMPLOYMENT OPPORTUNITY**

### **2.1 EQUAL OPPORTUNITY EMPLOYER**

The City of Ward provides equal employment opportunity (EEO) to all employees and applicants for employment without regard to race; color; religion; national origin; sex; age; disability unrelated to job requirements; genetic information; political status; marital status; status as a veteran or member of the military or national guard; status as a qualifying patient or designated caregiver; or any classification or activity by the equal protection clause or other provisions of the United States or Arkansas Constitution; in accordance with applicable federal, state, and local laws. The City's commitment in this regard extends to all employment-related decision and terms and conditions of employment, including hiring, placement, promotion, pay, termination, layoff, recall, transfer, leave of absence, compensation, discipline, and training.

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

The City of Ward abides by the requirements of the Americans with Disabilities Act, ADA Amendments Act, and state 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.

## **2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT POLICY**

### **2.3.1 POLICY**

The City of Ward expressly prohibits its officials and employees from engaging in any form of unlawful harassment or discrimination, bullying, or retaliatory behavior on grounds such as those listed in paragraph 2.3.2 of this policy or any other ground protected by state or federal constitutions or laws. Violations may result in disciplinary action, up to and including termination of employment.

### **2.3.2 PROHIBITED CONDUCT DEFINED**

For the purposes of this policy, “harassment” refers to an annoying, persistent act or actions that single out an employee over the employee’s objection or to his/her detriment because of a person’s membership in any legally protected class or for some other trait the employee was born with (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.) Harassment may be considered a violation of federal and/or state law.

Employees should know that they should not participate in (and do not have to tolerate) the following types of harassment regardless of whether the harasser is a co-worker, supervisor, citizen, or any other person with whom the employee’s job brings him/her into contact:

- Racial harassment
- Harassment due to religion or views concerning religion
- Harassment due to nation origin
- Sexual harassment (gender neutral)
- Harassment due to age of employees who are at least 40 years old
- Harassment because of disability or perceived disability
- Harassment based on color
- Harassment based on other protected categories in paragraph 2.1 of this policy

### **2.3.3 DISCRIMINATION AND HARASSMENT GENERALLY**

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 or ridicule: This includes offensive jokes, derogatory comments, slurs or unwanted sexual invitations, demeaning or negative comments.
- Physical Misconduct: Unwanted physical contact, such as touching, pushing, blocking movement, or any form of physical intimidation.
- Workplace Interference: Sabotaging someone's work, excluding them from meetings or communications, or unfairly altering assignments due or interference with the work directed at an individual because of the employee's protected status;
- Displaying or distributing offensive material: Sending inappropriate messages, images, or emails via work communications systems or personal devices used for work purposes. This also includes sexually offensive, racist, or other derogatory materials, such as posters, emails, calendars and/or magazines or gestures;
- Power Imbalance Abuse: Using supervisory authority to coerce, intimidate, or threaten based on a protected characteristic or in retaliation for a report.
- Discriminating against any employee in work assignments or job-related training because of one of the above-referenced factors;
- Making protected status innuendos;
- Requesting favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment;
- Gender-based harassment, including sexual harassment and harassment base on pregnancy, childbirth, or related medical condition; and/or;
- Retaliation for having reported harassment.
- Misconduct – Employee misconduct refers to actions of behaviors by an employee that violates company policies, ethical standards, or expectations, resulting in a negative impact on the workplace or other 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 individuals' performance; and/or,

- Otherwise unreasonably affects an individual's employment opportunity or circumstance.

#### **2.3.4 SEXUAL HARASSMENT**

Sexual harassment is illegal and is a serious form of misconduct. Sexual harassment of employees, non-employees, and/or citizens with whom the City of Ward has a business, services, or professional relationship, including vendors and clients, is prohibited and will not be tolerated. The City of Ward is committed to maintaining a working environment, free from all forms of sexual harassment.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversations or occasional compliments of a socially acceptable nature.

Sexual harassment violates federal and state 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 individuals; 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:

- Inappropriate physical contact, including blocking of movement, brushing against the body, coercive sexual involvement, cornering, grabbing, hugging, kissing, patting, pinching, poking, stalking, any form of sexual assault, and touching;
- Inappropriate visual contact including leering, obscene gestures, and staring;
- Posting of sexually suggestive or derogatory pictures, cartoons, or drawing, even at one's individual work station; innuendo, suggestive statement, slurs, or other derogatory remarks based on sex;
- Unwelcome or invasive flirting;
- Continued requests for dates and propositioning an individual; and/or

- Unwanted sexual advances, requests or pressure from sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

### **2.3.5 BULLYING**

Bullying is conduct by employees, supervisors, managers, or executives that involves repeated, abusive, unreasonable actions that are intimidating, degrading, health-harming mistreatment of one or more people by one or more perpetrators. Bullying of employees, non-employees, and/or citizens with whom the City of Ward has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated.

Bullying conduct includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.
- Such behavior violates the City's Standard of Conduct which clearly state that all employees will be treated with dignity and respect.

Additionally, the City of Ward considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, spitting, aggressive gestures, assault or threat of physical assault, damage to a person's work area or property, tampering with personal belongings
- Gesture bullying: Nonverbal gestures that can convey threatening messages.
- Social/Relational Bullying: Exclusion Socially or physically excluding or disregarding a person in work-related activities, spreading rumors, sabotage or public shaming, ignoring coworkers' communication or existence

The following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

### **2.3.6 EXPECTATIONS FOR EMPLOYEES & SUPERVISORS**

All Employees are expected to:

- Treat everyone, from department directors to the public with respect and dignity.
- Refrain from engaging in or condoning any form of harassment, bullying, or unlawful discrimination.
- Report any observed or experienced conduct that violates this policy.

All Directors, supervisors, and crew leaders have additional responsibilities to:

- Lead by example and foster an inclusive workplace culture.
- Monitor for inappropriate behavior and respond proactively.
- Immediately report complaints or concerns to the Director of Human Resources.

## **2.4 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.

### **2.4.1 COMPLAINT PROCEDURES**

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:

1. 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 Director or Human Resources. 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 Director of Human Resources or the Mayor.

2. Employees have a responsibility to report harassment. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment. Employees should note that failure to report harassment creates a situation where a harassed employee's situation is much more likely to remain unresolved. The very worst thing for an employee to do in a harassment situation is failing to report it.
3. If the complaint involves sexual harassment and the complaining employee prefers to speak with a person of the employee's same gender, the city will make every effort to accommodate that request.
4. Any Supervisor or Director who learns of or receives a complaint of alleged discrimination or harassment through any means (including witnessing, overhearing, learning of a rumor, or otherwise becoming aware of alleged harassment in the workplace) is obligated to report it to the Director of Human Resources.
5. Each complaint shall be treated confidentially and be fully investigated internally. A determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that 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.

If the investigation does not find that harassment occurred, or that the alleged incident(s) did not constitute 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 harassment, the Department Director shall determine the manner in which to act upon the findings set forth in the investigation report.

#### **2.4.2 RETALIATION**

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.

#### **2.4.3 FALSE ACCUSATIONS**

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

#### **2.4.4 CODE OF CONDUCT**

Per Resolution R-2019-03, all new employees must sign a Code of Conduct (Attachment 3) upon accepting employment. All employees must re-sign the Code of Conduct annually on or near the beginning of the year. Failure to sign the Code of Conduct will result in termination of employment.

### **CHAPTER 3**

#### **GENERAL EMPLOYMENT POLICIES**

##### **3.1 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 Handbook 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.

### **3.2 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. The Director of Human Resources and the Mayor should be consulted before hiring, promoting or terminating an employee. Regardless, the Mayor can override the Department Director's decision to hire, promote or terminate an employee, as needed.

### **3.3 JOB POSTING AND ADVERTISING**

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Applications for jobs other than the Police Department, are available on the City's website, [www.wardarkansas.gov](http://www.wardarkansas.gov), in the Human Resources Department. Police Department applications are available from the Police 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.

In the event of a job opening, the position or positions will be announced on the city's website ([www.wardarkansas.gov](http://www.wardarkansas.gov)) at least - 5 days prior to the deadline for receiving applications<sup>1</sup>. Copies of the job announcement will be distributed to the city departments and as appropriate, to public and private employment agencies, local newspapers, and other sources that might recruit applicants.

Applications for full-time positions will not be accepted from anyone under 18 years of age. Exception as otherwise provided by Arkansas law, the Mayor is authorized to make the final decision with respect to hiring new employees and promoting existing employees.

### **3.4 EMPLOYMENT APPLICATION AND RESUMES**

The City of Ward relies upon the 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 misrepresentation, falsifications, or material omissions in any of this information may

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<sup>1</sup> The City also reserves the right not to post job openings on any media in the circumstances warrant such action, and as approved by the Mayor.

result in the exclusion of the individual from further consideration for employment or if the person has been hired, in termination or other disciplinary measures.

### **3.5 POST-OFFER PRE-EMPLOYMENT PHYSICALS & DRUG SCREENS (UNIFORMED)**

Post-offer pre-employment physicals are required for applicants to be hired by the City in a permanent employment position at the City's expense. 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 of Human Resources 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. Failure to comply with testing, unfavorable physical exam or positive drug test result will result in disqualification, termination or employment offer, or termination of employment if the employee has already begun work.

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 or administrative personnel within the city government.

#### **3.5.1 POST-OFFER PRE-EMPLOYMENT DRUG SCREENS (NON\_UNIFORMED)**

All new hires must pass a post-offer drug screen before employment is finalized. Failure to comply or a positive test result will result in disqualification, termination of the employment offer, or termination of employment if the employee has already begun work.

### **3.6 POST EMPLOYMENT OFFER BACKGROUND CHECK(S)**

After accepting employment, new employees will be asked to sign a release to allow the city to conduct Background Check(s). The Director of Human Resources will provide the form(s). Failure to sign a release may be cause for termination.

### **3.7 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 Head shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied.

### **3.8 THE OMNIBUS TRANSPORTATION EMPLOYEE TEST ACT OF 1991**

It is the City of Ward'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 1991 Omnibus Transportation Act. 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 of Ward 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 from the City of Ward 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.

### **3.9 DRUG AND ALCOHOL TESTING**

The City of Ward has a responsibility to ensure safe-working conditions for its employees and a productive city workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, the city is committed to maintaining a workplace that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The city prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on city premises during work hours.

The City of Ward prohibits the possession, smoking, or otherwise use of medical marijuana on city premises. The City of Ward reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

Any city employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including dismissal, as allowed by federal, state, and local laws.

### **3.9.1 FITNESS FOR DUTY**

Current abuse of drugs 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 of the workplace 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 medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the city will result in appropriate disciplinary action, including termination, as allowed by federal, state, and local law.

### **3.9.2 NOTIFICATION**

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

### **3.10 GENETIC INFORMATION.**

The city shall not request or require genetic information from an individual or family member, except as specifically allowed by the Genetic Information Nondiscrimination Act of 2008 (GINA). In making any request for medical information, the city shall include the following language to the medical provider:

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information,’ as defined by GINA, means, with respect to any individual, information about an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the

fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

*[NOTE: The Genetic Information Nondiscrimination Act of 2008 (GINA) applies to employers with 15 or more employees for each working day in each of 20 or more calendar weeks.]*

### **3.11 BUSINESS AND CASUAL ATTIRE POLICY**

Workplace attire must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. Uniforms may be required for certain positions and will be provided to employees by the City of Ward. Any questions about the City's guidelines for attire should be directed to the Director of Human Resources.

#### **3.11.1 GUIDELINES**

Employees are expected to at all times present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Ward.

Certain staff may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of their job.

Employees not required to wear uniforms should dress in appropriate professional department attire and keep an appropriate appearance at work and while representing the city off-site. Attire should be modest, well-fitting, and free of offensive or inappropriate graphics or language.

At its discretion, a department may, during summer months or during special occasions and other times, allow staff to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance.

All employees are expected to report for duty appropriately dressed. Employees reporting to work inappropriately dressed may be sent home. Any employee sent home for this purpose will be charged vacation leave or personal leave. If no leave is available, non-exempt employees will not receive pay for that time period.

### **3.12 CHILDREN/DEPENDENTS IN THE WORKPLACE**

Under regular conditions, children/dependents are not allowed to be in the workplace other than for an occasional short visit. However, the City understands that emergency situations arise when an employee must take care of a child/dependent and must also be at work. However, if the care time needed is more than two (2) hours the employee should use their vacation, sick, or personal leave and not bring the child/dependent to work; this is the preferred choice of the City.

When an employee has no other option to care for the child/dependent than to bring the child/dependent to the work place, the employee must see that the child/dependent is appropriately supervised and cannot disrupt the operation of the Department. This should be a rare event and not more than that particular day. Additional days needed to bring a child/dependent to the work place must be approved by the Department Head and Human Resources. Under NO circumstances will a child/dependent be allowed to remain at the work place unsupervised or within an area in which the employees occupy "safety sensitive" positions. Additionally, any damage to any property or equipment by the employee's child/dependent will be the responsibility of the employee.

Under no circumstances may a sick child/dependent be brought into the workplace.

The City accepts no responsibility for the safety of the employee's child/dependent when at the work site.

## **CHAPTER 4**

### **COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS**

#### **4.1 ATTENDANCE**

Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Department Director in conjunction with the Director of Human Resources and the Mayor. Regular and punctual attendance is an essential job duty for every employee with the city.

#### **4.2 WORK HOURS**

Except for police officers and firefighters, the standard workweek shall consist of forty (40) hours per week within a seven-day period, unless otherwise arranged by the Department Director in conjunction with the Director of Human Resources and the Mayor to meet specific departmental needs. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.

Departments may vary employee's schedules based upon departmental necessity. The standard work week is Saturday through Friday. Flexible work arrangements are

dependent on departmental requirements and are left to the discretion of the Department Director in conjunction with the Director of Human Resources and the Mayor.

The city reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of Ward. In an emergency, previously scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the Department Director in conjunction with the Director of Human Resources and the Mayor. Changes in work schedules will be announced as far in advance as practicable, but can be changed with little or no notice. In emergencies or times of need, the Mayor or designee can alter work hours with little or no notice.

Whenever possible, Non-exempt full-time employees may receive a paid break<sup>2</sup> of no more than 15 minutes during each four-hour work shift. Unpaid meal breaks may also be provided but are not guaranteed. Breaks are at the discretion of the Department Director. At times, and in some departments, the work responsibilities and staffing requirements may not allow for a meal break or other type of break.

### **4.3 UNAUTHORIZED WORK TIME**

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action including, but not limited to, suspension without pay.

### **4.4 COMPENSATION**

#### **4.4.1 REPORTING AND VERIFYING HOURS WORKED**

It is each employee's responsibility to monitor and record an accurate status of the hours the employee works per payroll period to ensure that the employee is properly paid for time worked.

All employees shall report their hours worked on the forms provided by City of Ward. It is the responsibility of each employee to properly complete a timesheet recording the time that the employee worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Completed timesheets signed by the supervisor must be turned in to

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<sup>2</sup> "Smoke Breaks" included and considered a break.

the Department of Human Resources by 10 am each Monday of payday week. If Monday is a holiday, payroll documents must be turned in by 8:30 am on Tuesday.

#### **4.4.2 PAYROLL RECORDS**

The Director of Human Resources keeps and maintain a record of work attendance, vacation, and sick leave earned, used, and accrued, along with any 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 as the requirements of the employee's work duties permit.

#### **4.4.3 PAYROLL PROCEDURES AND PAYDAY**

Employees are paid every other Thursday. 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 the employee's paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report those concerns to Director of Human Resources.

#### **4.4.4 WITHHOLDING OF MEMBERSHIP DUES**

Upon receipt of a written request signed by a full-time municipal employee who is represented by a union or professional association, the city will withhold membership dues of the union or professional association from the salary of the employee. The withholding request shall be on a form provided to the employee by the city. The city will transmit all dues that are withheld under this section to the union or professional association representing the employee within five (5) days of the end of the pay period.

A withholding initiated under this section shall be discontinued only upon receipt of a written notice of cancellation signed by the employee.

### **4.5 SALARY BASIS POLICY**

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also

exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$684 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

#### **4.5.1 SALARY BASIS REQUIREMENT**

To qualify for exemption, employees generally must be paid a federally-mandated minimum salary and meet additional requirements imposed by the Fair Labor Standards Act.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

#### **4.5.2 CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY**

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see policies on penalties for workplace conduct rule infractions). Also, the city is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made to the extent allowed by law.

### **4.5.3 CITY POLICY**

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees.

### **4.5.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS**

If you believe that an improper deduction has been made to your salary, you should immediately report this information to Director of Human Resources or the Mayor.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

## **4.6 OVERTIME AND COMPENSATORY TIME**

### **4.6.1 OVERTIME**

The city will pay overtime in accordance with the Fair Labor Standards Act (FLSA) at one and one-half times the base rate or hourly rate for all hours worked in excess of the hours per week or work period set forth in the WORK HOURS section of this handbook.

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 will result in disciplinary action, including but not limited to suspension without pay.

### **4.6.2 COMPENSATORY TIME**

Compensation for overtime may be made in the form of compensatory leave time ("comp time") to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek, unless the employee is working in a classification with special overtime rules under FLSA (i.e., police officers and firefighters). No civilian employee may accumulate more than 40 hours and no uniformed employee may accumulate more than 80 hours of compensatory time at any given time during the calendar year. Hours in excess of the specified maximum shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime hours worked. However, the overtime and compensatory records of the Director of Human Resources shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave should be scheduled in the same manner required for vacation days. By signing the acknowledgement enclosed in this handbook, the employee and city agree that compensatory time may be given in lieu of overtime payments. In addition, it is understood that the city may substitute monetary payment at the rate of time and one-half for any outstanding compensatory leave time. After an employee accumulates 40 hours of leave time, the city may require the employee to take compensatory leave as determined by Director of Human Resources. All compensatory time must be taken within the calendar year earned, or the employee will be paid for that time at the end of the year.

#### **4.6.3 NON-EXEMPT AND EXEMPT EMPLOYEES**

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this handbook.

Exempt employees are not subject to the FLSA overtime requirements. Certain employees are 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.

#### **4.7 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 situations shall receive their normal rate of pay.

At times it may become necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be approved by the Mayor. Arrangements shall be made with other departments 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.

#### **4.8 TEMPORARY AND SEASONAL EMPLOYEES**

On occasion, the city may hire temporary or seasonal employees who are hired for a set duration (i.e., in the form of a seasonal employee, such as a lifeguard for an outdoor swimming pool) 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 full- or part-time and are paid for actual hours worked at a rate determined by the department head. Temporary, non-exempt employees are eligible for overtime for hours exceeding 40 hours per workweek, subject to all other overtime policies set forth in this handbook. A temporary employee may be employed for up to one year at which time the temporary status shall be reviewed before employment is continued. APERS Retirement and/or Health Insurance will not be offered unless the employee exceeds the maximum hours worked in a week as prescribed by law. The Director of Human Resources is responsible for ensuring this is monitored.

#### **4.9 VACANCIES AND PROMOTIONS**

It is the intent of the City of Ward to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Ward an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards or other means to include but not be limited to email prior to posting to the public, if possible/necessary.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be announced on the city's website ([www.wardarkansas.gov](http://www.wardarkansas.gov)) at least 5 days prior to the deadline for receiving applications. A job description of each vacant position will be provided upon request.

The final decision regarding promotions shall be made by the Mayor upon the recommendation of the Department Director in coordination with the Director of Human Resources.

#### **4.10 TRAINING**

The City of Ward is committed to continuing training for all employees. If an employee feels that additional training is needed, the employee is responsible for notifying the employee's department director. Expenses incurred in on-the-job training should be assumed by the city.

#### **4.11 PERFORMANCE EVALUATIONS**

All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

#### **4.12 JOB SAFETY**

The City of Ward strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or Department 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 condition or equipment.
- Immediately report any and every accident to the supervisor or Department Director.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include: harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or city property.

Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted in buildings, owned and maintained by the city, or on an employee's person while conducting offsite city business unless the employee is a law enforcement officer or a security guard employed by a state agency, or a city or county, or any state or federal military personnel. Further, no dangerous items are allowed on any part of a detention facility, prison, or jail, including parking lots. If an employee is undergoing disciplinary proceedings, or is terminated and must return to work for any reason, the employee shall neither possess nor store the dangerous items on the employee's person or in the employee's vehicle. Of course, theft of any kind will not be tolerated.

#### **4.13 REFUSAL TO WORK**

A city employee's commitment is to public service. Any work stoppage, slowdown, strike, or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the City of Ward, as allowed by federal, state, and local law.

#### **4.14 RESIGNATION/TERMINATION**

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

Employees who plan to retire are urged to provide the city with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner.

All employment relationships with the City of Ward are on an at-will basis. Thus, although the City of Ward hopes that the relationship with employees are rewarding, the city reserves the right to terminate the employment relationship of any employee at any time for any lawful reason.

#### **4.15 EXIT INTERVIEWS**

Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any city property in the employee's possession or which was entrusted to him/her.

#### **4.16 JOB DESCRIPTIONS**

It shall be the responsibility of the Director of Human Resources maintain a job description on file for each position in the department. The job description should include scope of responsibility, essential job functions, minimum qualifications, working conditions, physical requirements, and an employee acknowledgment.

### **CHAPTER 5**

#### **BENEFITS**

#### **5.1 VACATIONS**

##### **5.1.1 POLICE DEPARTMENT**

Pursuant to Arkansas Code Annotated (A.C.A.) § 14-52-106, each employee shall be granted a minimum accrual of an annual vacation of not less than fifteen (15) working days with full pay.

All employees of the police department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. Vacation time for December shall accrue on the first day of the month so that the employee will have the vacation time available to use before the end of the year.

The Police Chief shall see that employees of the police department take all of their vacation time before the end of the calendar year, or shortly thereafter except as allowed to carry-over by this manual.

No vacation time may be used in the first six-months of employment unless approved by the Police Chief and Mayor.

1 month but less than 15 Years	120 Hours per year (4.62 hours per pay period)
15 Years but less than 20 Years	20 Working Days (6.16 hours per pay period)
20 Years or More	22 Working Days (6.77 hours per pay period)

**5.1.2 FIRE DEPARTMENT**

Pursuant to A.C.A. § 14-53-107, each employee shall be granted a minimum accrual of an annual vacation of not less than fifteen (15) days with full pay.

All employees of the fire department shall accumulate vacation time at the rate of one and one-quarter (1¼) calendar days for each month of working service. The chief shall require all employees to take their vacations in increments of five (5) or more consecutive days. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. Vacation time for December shall accrue on the first day of the month so that the employee will have the vacation time available to use before the end of the year.

The Fire chief shall see that employees of the fire department take all of their vacation time before the end of the calendar year, or shortly thereafter except as allowed to carry-over by this manual.

No vacation time may be used in the first six-months of employment unless approved by the Fire Chief and Mayor.

1 month but less than 15 Years	120 Hours per year (4.62 hours per pay period)
15 Years but less than 20 Years	20 Working Days (6.16 hours per pay period)
20 Years or More	22 Working Days (6.77 hours per pay period)

**5.1.3 VACATION TIME FOR NON-UNIFORMED EMPLOYEES**

All regular full-time employees who average at least thirty (30) work hours per week earn vacation leave. Vacation hours begin accruing on the day you begin work as an employee of the City. However, unless approved by the Department Director and the Mayor, new employees may not take vacation time during the 1<sup>st</sup> six-months of employment.

**5.1.4 VACATION ACCRUAL RATE – NON-UNIFORMED UNLESS OTHERWISE NOTED**

<b>YEARS OF SERVICE</b>	<b>VACATION</b>
1 month but less than 3 Years	10 Working Days (3.08 hours per pay period)
3 Years but less than 7 Years	15 Working Days (4.62 hours per pay period)
7 Years but less than 15 Years or More	18 Working Days (5.54 hours per pay period)
15 Years but less than 20 Years	20 Working Days (6.16 hours per pay period)
20 Years or More	22 Working Days (6.77 hours per pay period)

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than ten (10) vacation days may be carried over six (6) months past the anniversary date without prior written approval of the Mayor. Accrued vacation days not taken within this time period will be deemed used.

Policies concerning vacation time for non-uniformed or uniformed employees in no way alter the City of Ward’s at-will employment policy as described in this personnel handbook.

**5.1.5 SCHEDULING VACATIONS**

Each full-time employee may take accrued vacation 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 into the overall scheduling of the department. Employees should notify

their department heads at least 14 days in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed by the Department Director based upon departmental workloads. The city reserves the right to alter vacation schedules.

Approval of vacation leave requests falls under the discretion of Department Director who evaluates each request on a case-by-case basis and determines approval based on the timeliness of the request and the departmental needs. Maximum vacation leave to be taken at any one time is fifteen (15) days, unless advance approval is granted.

All requests for vacation must be documented on the vacation request form provided by the City and submitted to HR. In the event that an approved vacation is taken in small increments or approved on a short notice, HR must be notified by email.

## **5.2 HOLIDAYS AND HOLIDAY PAY**

The appropriation made by the city council for salaries shall include additional pay for holidays for all full-time employees of the city. Uniformed employees will receive holiday pay as provided by the laws of the State of Arkansas.

<b>HOLIDAY</b>	<b>DAY/DATE</b>
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
George Washington's Birthday or Presidents' Day	Third Monday in February
Good Friday	Friday Preceding Easter
Memorial Day	Last Monday in May
Juneteenth Day	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Columbus/Indigenous People Day	Second Monday in October
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25 <sup>th</sup>
Birthday	Employees must take their birthday time off within one month of their birthday unless otherwise approved by the Mayor and monitored by Human Resources. Taking birthday time off prior to your actual birthday requires the Mayor's approval.

The City of Ward will publish a holiday schedule for the sequent year no later than February 1 of each year. The City reserves the right to change observance of any published holiday. Firefighters and law enforcement officers shall be paid for each holiday

established by the City, in addition to their regular rates of pay. This additional pay shall be prorated and paid during the regular payroll periods. Holiday pay is defined for purposes of this section as pay for an eight (8) hours day, regardless of the length of a shift typically worked by the employee.

### **5.3 INCLEMENT WEATHER**

In the event city offices are open but a non-essential employee is unable to report to work due to inclement weather conditions, the employee may elect to use vacation, or accrued comp time. The employee must report their absence to their immediate supervisor to remain in pay status for any such absence. Failure to report your absence could result in disciplinary action, up to and including termination.

The decision regarding inclement weather will be communicated via the City's website, social media, and telephone. Essential personnel are those employees who are required to provide mandatory services, and who must be on the job regardless of weather conditions. The Director of Human Resources will ensure that those employees designated as essential services for their department are aware of this designation and understand that they are required to report to or remain at work.

The city reserves the right to close offices/departments to include City Hall if existing or pending weather warrants such action. Essential and non-essential employees will be paid for the hour(s)/day(s) closed. Additional pay other than overtime is not authorized. In this event, you are expected to remain on call and if called in you are expected to report to work. If you are unable to report to work you will be charged a vacation day or sick day whichever applies. If you are an essential employee your shift may be adjusted depending on the needs of the city (i.e. early morning shift or late afternoon shift).

### **5.4 SICK LEAVE**

#### **5.4.1 POLICE DEPARTMENT**

Pursuant to A.C.A. § 14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No sick leave, as provided in this section, shall be

charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement.

Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary (A.C.A. § 14-52-107).

Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.

#### **5.4.2 FIRE DEPARTMENT**

Pursuant to A.C.A. § 14-53-108, all full-time firefighters, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days. A working day is defined for purposes of this section as twenty-four (24) hours, regardless of the length of a shift typically worked by the employee.

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

If, at the end of his term of service, upon retirement or death, whichever occurs first, any firefighter that has unused accumulated sick leave, he or she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death<sup>3</sup>.

Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement.

Payment for unused sick leave in the case of a firefighter shall not exceed 1,440 hours (A.C.A. § 14-53-108(a)(2)).

#### **5.4.3 UNIFORMED (POLICE AND FIRE) SICK LEAVE POLICY:**

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

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<sup>3</sup> A.C.A. 14-53-108(c)(2): Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary unless the city, by ordinance, authorizes a greater amount, but in no event to exceed four and one-half months' salary.

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury, or death in the employee's immediate family, as defined in the definitions section of this policy, which require the employee's presence.
- Necessity of medical or dental care, including medical, dental, psychological, and optical visits.

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

Employees who are absent more than three (3) consecutive work periods due to illness or injury may be required by the supervisor or Department Head 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 certificate of release to the Director of Human Resources before returning to work, regardless of the number of days absent.

An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status, except as required to provide a reasonable accommodation as required by the Americans with Disabilities Act.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

#### **5.4.4 NON-UNIFORMED EMPLOYEES**

The City of Ward recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Ward provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of three (3) hours per pay period. A working day is defined for purposes of this section as eight (8) hours, regardless of the length of a shift typically worked by the employee. This benefit starts immediately upon employment.

Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days (480 hours).

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

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness, injury, or death in the employee's immediate family, as defined in the definitions section of this policy, which require the employee's presence.
- Necessity of medical or dental care, including medical, dental, psychological, and optical visits.

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

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head 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 certificate of release to the Director of Human Resources before returning to work, regardless of the number of days absent.

An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status, except as required to provide a reasonable accommodation as required by the Americans with Disabilities Act.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six months.

Non-uniformed employees will not be paid for accrued sick leave upon termination of employment with the city. Exception: Employees who retire from the City will be paid one-half (1/2) for their unused sick leave.

## **5.5 FUNERAL OR BEREAVEMENT LEAVE**

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family<sup>4</sup> only. Any leave requested more than three (3) calendar days must be charged to accrued vacation or compensatory leave.

Travel time may be granted upon prior approval from the Director of Human Resources in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

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

## **5.6 MATERNITY LEAVE**

Employees affected by pregnancy, childbirth or 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 accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the city's family medical leave policy, if applicable.

In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued annual leave as required to the extent of exhaustion of sick leave and annual leave benefits.

### **5.6.1 NURSING MOTHERS**

Nursing mothers will be allowed reasonable unpaid break time to express breast milk. This may run concurrently with other paid or unpaid break already provided. If the employee's work space is not private and secure, we will make a reasonable effort to provide a location where the mother may express. Employees shall make reasonable efforts to minimize the disruption of the employer's operations.

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<sup>4</sup> For purposes of this handbook, Immediate Family shall mean mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's parents, or those relatives who live in the employee's household, including "step" relatives. However, with respect to FMLA leave, "immediate family" means spouse, child, or parent—but not a parent "in-law" with a serious health condition.

## 5.7 UNIFORMED SERVICES

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), 38 USC 4301 et seq., and in A.C.A. § 21-4-102. It is the city's policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits discrimination against persons 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 right 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 the Uniformed Services Employment and Reemployment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

In addition, under A.C.A. § 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave as follows:

- *Police officers: A paid, full-time municipal police officer who is a member of the armed forces of this state or any other state, including without limitation the National Guard or a reserve component or auxiliary of the United States Armed Forces, shall be granted leave at the rate of one hundred sixty-eight (168) hours per calendar year plus necessary travel time for annual training requirements or other duties performed in an official duty status. Ark. Code Ann. § 14-52-114. Based on an eight-hour day, this equals out to 21 days.*
- *Fire Fighters: A paid, full-time firefighter on a fifty-six (56) hour per week work schedule who is a member of the armed forces of this state or any other state, including without limitation the National Guard or a reserve component or auxiliary of the United States Armed Forces, shall be granted leave at the rate of one hundred sixty-eight (168) hours per calendar year plus necessary travel time for annual training requirements or other duties performed in an official*

*duty status. Ark. Code Ann. § 14-53-114. Again, based on an eight-hour day, this equals out to 21 days.*

## **5.8 FAMILY MEDICAL LEAVE**

The Family Medical Leave Act (FMLA) of 1993 requires cities 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. The FMLA also allows an employee who is the spouse, son, daughter, parent, or nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave 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 spouse, son, daughter, or next of kin of an eligible service member to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks during a "single 12-month period;"
- The care of an immediate family member (spouse, child or parent, but not a parent "in-law") who has a serious health condition;
- 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 or her job; and
- For any qualifying exigency when the employee's spouse, son, daughter, or parent is a covered military member (on active duty or is notified of an impending call to active duty) in support of a contingency operation.

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 as defined by the FMLA. 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; or

- 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 calendar days, and for 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 calendar days.

The Family Medical Leave Act (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 leave.

#### **5.8.1 FMLA ELIGIBILITY**

To be eligible for the FMLA benefits employees must: 1) be employed by the city for at least one year; and 2) have worked 1,250 hours over the previous twelve (12) months preceding the date of the leave is requested to begin. In addition, the employee must work at a location where at least 50 employees are employed by the employer within 75 miles. An employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service.

Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The city shall not require the use of annual leave as part of family medical leave. The employee, at the employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work weeks.

#### **5.8.2 CALCULATION OF LEAVE**

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

#### **5.8.3 USE OF PAID TIME OFF BENEFITS**

When leave is taken under the Family Medical Leave Act, you will be required to first use your available annual and accrued sick and vacation leave concurrently with FMLA leave during the twelve (12) week family leave before becoming eligible for unpaid leave. That portion of family leave of absence which is taken using annual and accrued leave days will be with pay, according to the city's annual

leave policy. Using paid time off benefits does not add to the total length of the maximum 12-week leave permitted.

For example, Employee A has two (2) weeks of accrued vacation leave and two (2) weeks of accrued sick leave. Employee A requests and is granted 4 weeks of FMLA leave. This leaves Employee A with eight (8) remaining weeks of available FMLA leave.

*[NOTE: An employee using leave for the birth of a child is required to use annual and accrued leave for leave taken for physical recovery after childbirth. For other employees, you may make sick leave run concurrently with FMLA leave (29 CFR sec. 825.07) as provided in this sample policy, if you gave the written notice required in section 825.300(c)(1), see especially subsection (iii). See also the Designation Notice section of the League's Family and Medical Leave Act Guide.]*

#### **5.8.4 INTERMITTENT OR REDUCED LEAVE**

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

#### **5.8.5 NOTIFICATION**

You must provide Director of Human Resources with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The city will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify Director of Human Resources as soon as possible.

#### **5.8.6 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY**

In the event a husband and wife both work for the city, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent.

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

#### **5.8.7 JOB RESTORATION**

Employees granted FMLA leave 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, "key," salaried employees, although eligible for FMLA leave, 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 leave, the city will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

#### **5.8.8 EMPLOYEE BENEFITS**

During an employee's FMLA leave of absence, the employee's 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 or her share of the premium may result in loss of coverage. The Director of Human Resources will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the city. Prior to dropping an employee from coverage for non-payment, Director of Human Resources will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee unequivocally informs the city that the employee 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 leave 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 leave for at least 30 calendar 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 30 days after returning from FMLA leave is deemed to have a returned to work status.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the city, unless the employee otherwise notifies Director of Human Resources to the end of the FMLA leave.

#### **5.8.9 CERTIFICATION**

Medical certification, by a qualified health care provider, of the need for FMLA leave for medical reasons is required. A certification form may be obtained from the Director of Human Resources. This form should be filled out and returned to the Director of Human Resources. When the leave is foreseeable and at least 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 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 15 calendar days must provide a reasonable explanation for the delay along with the certification.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, and physician assistants 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, in Boston, Massachusetts.

#### **5.8.10 RELEASE TO RETURN TO WORK**

A medical doctor's release is required for all city employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided to the Director of Human Resources prior to returning to work. A Fit for Duty medical exam may be required by the city and if so, the city shall bear the cost.

**5.8.11 DISPUTE RESOLUTION**

If a disagreement occurs over the medical opinion provided by your 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.

Additional information and forms may be obtained from the Director of Human Resources.

**5.9 LEAVE FOR WITNESS OR JURY DUTY**

Employees will be granted paid leave for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the Director of Human Resources copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. 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.

*[NOTE: Firefighters are not exempt from jury duty. The statute providing for exemption was repealed in 1997.]*

**5.10 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 preapproved by Department Director in conjunction with the Mayor. Compensation for travel time and attendance at programs will be made in accordance with 29 Code of Federal Regulations [C.F.R.] sections 785.10 through 785.41.

The city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses.

The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action.

## 5.11 EMPLOYEE TRAVEL AND EXPENSE REIMBURSEMENT POLICY

### 5.11.1 Employee Travel

Full-time employees of the City of Ward are encouraged to attend meetings and seminars that pertain to their jobs. Travel funds have been set aside in most departmental budgets to cover the costs of these meetings and seminars. Scheduling of both the meeting or seminar and the arranging of individual time schedules must be done with the approval of the Department Director. Final approval rests with the Mayor.

The City has established two separate forms for use in the process.

- The first form is titled "Travel and Per Diem Request Form" and is prepared in advance of the date of departure of the trip. This form provides the need and justification for the trip and the approval sequence. It also provides a source for requesting travel advances and any prepayments that might be required, i.e. registration fees, hotel deposits, etc...

The second is titled "Travel Reimbursement Request Form" must be completed within 14 days following the completion of the trip. Receipts must be kept and attached to the reimbursement form. Any major difference in cost between what was requested and what was actually spent must be documented or the difference may be denied. This form must be completed and turned into the Finance Director within 14 days following the completion of the trip. **RECEIPTS MUST BE KEPT AND ATTACHED TO THE REIMBURSEMENT FORM**

- Both forms must be completed for all trips.

### 5.11.2 ALLOWABLE TRAVEL EXPENSES – TRAVEL POLICY

It is the policy of the City of Ward to use the GSA Per-Diem Rates (<https://www.gsa.gov/travel/plan-book/per-diem-rates>) to determine lodging, meals, and incidental costs and the IRS Business Mileage Rates ([www.irs.gov](http://www.irs.gov)) to determine mileage reimbursement rates when using a privately owned vehicle for business travel. In addition:

#### 5.11.2.1 Transportation

- Actual cost of airline, bus or train ticket; first class or business travel is not allowable.
- Taxi, Uber, or other such ride-share fees are reimbursable at actual cost - try to obtain a receipt from the taxi driver; they will give them upon request, a screen shot, and/or proof of expense on banking statement.

- Rental of vehicles is allowed where required and must be arranged in advance. Mid-sized cars or smaller should be used unless not available.

#### **5.11.2.2 Food/Meals**

- Food will be reimbursed up to the amount on an original receipt or per diem may be requested in the place of food expense receipts. **The employee must elect whether they are requesting reimbursement for actual expenses or per diem rate on the travel and per diem reimbursement form.**
- Per Diem<sup>5</sup> is based on the current GSA rates.
- Meal costs in excess of the allowed amount are not allowed except with the approval of the Mayor.

#### **5.11.2.3 Lodging**

- The City expects employees to be prudent and reasonable when incurring expenses for business travel. Employees are expected to use good judgment in selecting hotels and purchasing meals during a City sponsored business trip.
- Lodging will be reimbursed at actual cost provided the original receipt is included in the request. Meals charged to the room need to be deducted before the reimbursement form is completed because meals are covered separately.

#### **5.11.2.4 Mileage Reimbursement:**

- The distance traveled is outside of the work area radius of 20 miles; and
- The trip is business related.
- The City will reimburse at the current IRS rate for Business Travel.

#### **5.11.2.5 Miscellaneous:**

- Tips, not to exceed 15% if properly itemized;
- Parking fees and toll fees if supported by a receipt (Overnight parking at airports should be confined to the long-term parking);
- Other miscellaneous expenses are allowable if properly documented and relevant to the trip.

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<sup>5</sup> Per Diem will only be granted if an overnight stay is required. Otherwise, employee will be reimbursed for actual expenditures. NO meal receipts are required if the employee elects to receive Per Diem.

- **NOTE:** The City will not reimburse for costs that are not directly associated with City business or items such as speeding tickets, parking tickets, liquor, etc.

**5.12 CREDIT CARD POLICY: See Attachment 1**

**5.13 EMPLOYEE HEALTH BENEFITS**

The City of Ward provides two (2) group health plans for all of its full-time employees and several optional insurance policies as noted below. The start day of coverage is dependent on the actual date of hire. Detailed information on the policy and coverage to include start date will be given to employees at the time of hire. Additional information may be obtained from the Director of Human Resources.

5.13.1 Traditional Health Care Plan: The city will pay 100% of employee-only plans and 60% of family plans.

5.13.2 High Deductible Health Care Plan: The city will pay 100% of employee-only plans and 60% of family plans.

5.13.2 Health Savings Account (HAS): This benefit is in conjunction with the High Deductible Health Care Plan only. The city will pay \$125 a month for employee-only Health Savings Account (HSA) and \$303.47 per month for family plan.

5.13.3 Tricare Insurance Reimbursement: As allowed by law, the City will pay the premium for Tri-Care health insurance for all full-time employees who are active guard or reserve military members. This amount will not exceed the amount the city pays for the lowest single and family coverage on the City-provided group insurance plan. Those enrolled in the program will have to fill out the necessary paperwork including submitting proof of payment each month to the Human Resources Office. After the employee submits proof of payment, the city will process a payment to the employee. Failure to submit proof or provide the necessary information may result in the premium not being reimbursed or delayed.

5.13.4 Dental and Vision Insurance: This is provided and covered in the health insurance plan that is chosen by the employee. This is not provided if the employee declines taking one of the health plans.

5.13.5 Basic Life and AD&D Insurance if enrolled in city health care plan. Covered at 100%

5.13.6 Additional/Optional Insurance Plans: Dental, Vision, Voluntary Group Life and AD&D, Short- and Long-Term Disability, Cancer, Universal Life, Critical Illness, Accident, Hospital Indemnity, Medical Transport Solutions

#### **5.14 OCCUPATIONAL INJURIES**

All city employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify the employee's supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. If an injury occurs outside normal hours, employees must report it to their supervisor as soon as possible. All required reports must be submitted to the Department of Human Resources within 24 hours.

If an employee is injured and unable to return to work, the city will pay 100% of their regular rate for up to five working days without affecting their accrued leave. After the fifth day, the employee may use accrued leave to supplement workers' compensation benefits, ensuring their pay equals their regular rate. Sick leave can be used for this purpose until all leave is exhausted. Vacation and sick leave benefits will continue to accrue for the duration of the claim as long as the employee is being paid by workers' comp. In the event that workers' comp determines they no longer receive pay benefits then accrual for vacation time and sick time will end. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located on the board across from the HR office.

#### **5.15 ACCIDENTAL INJURY**

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave and/or vacation time credited to that employee at the time the accident occurred.

#### **5.16 SELLING UNUSED VACATION TIME (Ordinance O-2020-08)**

- a. Unused vacation time may be sold back to the city at any time at 4-hour increments after the employee has been employed full-time for a minimum of two (2) years.
- b. To request to sell back unused vacation time:
  - 1) Obtain and fill out the request form provided by Human Resources (HR)

- 2) Form must be approved by the Supervisor, Department Director, and Mayor
- 3) All necessary taxes, etc. will be deducted as required by law
- c. You may sell no more than 80 hours per calendar year, unless otherwise authorized by the Mayor for unusual circumstances.

**5.17 DONATING UNUSED VACATION TIME TO ANOTHER EMPLOYEE (Ordinance O-2020-08)**

- a. Unused vacation time may be donated to another full-time employee
- b. The person donating may donate any or all of their accrued vacation time in 1-hour increments
- c. The person receiving the donation does not otherwise have to be eligible for vacation time (i.e. just recently hired); however, the person receiving the donated vacation time must be a full-time employee at the time of the donation
- d. To request to donate unused vacation time:
  - 1) Obtain and fill out the request form provided by Human Resources (HR)
  - 2) Form must be approved by the Supervisor, Department Head, and Mayor
- e. Donated vacation time is available immediately upon request
- f. Limits
  - a. Donor: Limited to donating 40 hours per calendar year.
  - b. Precipitants: Limited to receiving up to 80 hours per calendar year.

**5.18 LONGEVITY PAY PROGRAM:**

**5.18.1 OBJECTIVE:** The Longevity Pay Program is designed to show appreciation to employees who remain with the city over a period of time and to aid in keeping turnover low.

**5.18.2 POLICY/PROCEDURE:**

**5.18.2.1** It shall be the policy of the city to pay each FULL-TIME<sup>6</sup> employee a percentage of their annual salary<sup>7</sup> every five (5) year on the last Friday of their anniversary month.

**5.18.2.2** Longevity pay is based on the following

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<sup>6</sup> Full-time of continuing employment. Any break in employment restarts the longevity date.

<sup>7</sup> See paragraph 4-17

a. Hourly Employees: The base hourly rate (not including any additional licenses, bonuses, etc.) in force the month prior to the employee's anniversary month multiplied by the appropriate annual hourly rate (2,080 hours for regular employees (including CID Officers/PD Management), 2,184 hours for patrol officers (excluding CID Officers/PD Management)). That amount is then multiplied by the appropriate percentage as noted in paragraph c below. (i.e.  $\$14.00 \times 2080 = \$29,120 \times 3\% = \$873.60$ )

b. Salary Employees: The base annual salary (not including any additional licenses, bonuses, etc.) in force the month prior to the employee's anniversary month multiplied by the appropriate percentage as noted in paragraph c below. (i.e.  $\$36,000 \times 3\% = \$1,080.00$ )

**5.18.3** The percentage of pay is determined by employee's position with the city during their anniversary month as noted below.

**5.18.3.1** Certified Police Officers (except the Police Chief): 5%

**5.18.3.2** Probation Officer, Police Chief, and Fire Chief (if carrying a firearm as Fire Marshall/Investigator): 4%

**5.18.3.3** Department Directors (except Police Chief and Fire Chief as noted above) and all other employees: 3%

**5.19 EMPLOYEE ASSISTANCE PROGRAM:** The City offers employees an Employee Assistance Program (EAP) at no cost to all employees.

The EAP offers counseling services to employees, their families, or anyone living in the residence at no cost. EAP will assist employees with a variety of concerns including but not limited to anxiety, depression, death, divorce, money, substance abuse, etc. EAP is strictly confidential and the City will have no records of an employee's voluntary visit to an EAP site.

As part of the City's responsibility to make sure employees receive the proper training or counseling they need, the City reserves the right to mandate employees to attend an EAP session to review matters such as anger, discipline, or other areas of concern. Mandates will be determined at the discretion of the Mayor, Department Head, and the Human Resource Director. Any failure to attend or comply with an EAP mandate

will result in disciplinary action, up to and including termination. All mandated EAP sessions will be compensated.

#### **5.19.1 EAP VISIT DURING SCHEDULED WORK HOURS:**

Due to the increase in mental health issues, each calendar year the City will provide each employee one (1) opportunity to visit with an EAP location during their normally scheduled work hours. The City realizes that in situations of abuse, depression, or other issues, employees might never utilize this benefit if not allowed this opportunity.

The employee should let his or her supervisor and the Human Resources Department know this benefit is being used. While there is no time limit on this visit, the employee must attend the session and not use the time for personal matters unconnected to the EAP visit. Violation of this policy could result in disciplinary action.

#### **5.20 PUBLIC SAFETY EMPLOYEE ELIGIBLE EXTENDED BENEFITS (ACT 398):**

The City of Ward will provide licensed counseling under Act 398 of 2025 to all public safety employees following a traumatic event as defined by the act. The city will facilitate up to twelve (12) one-hour licensed counseling visits per calendar year for each Eligible Individual.

## **CHAPTER 6**

### **STANDARDS OF CONDUCT**

#### **6.1 COMMUNICATING WITH THE PUBLIC**

Employees of the City of Ward 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, the employee 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.

##### **6.1.1 COMMUNICATING ON BEHALF OF THE CITY**

The Mayor is authorized to communicate on behalf of the city in interviews, publications, news releases, on social media sites, and related communications. Other employees may represent the city if approved by the Mayor to

communicate on a specific topic. When speaking on behalf of the city or while carrying out your official duties:

- Employees must identify themselves as representing the city. Account names on social media sites must clearly be connected to the city and approved by Social Media Director in conjunction with the Director of Human Resources.
- All information must be respectful, professional, and truthful. Corrections must be issued when needed.
- Employees need to notify the Director of Human Resources they will be using their personal technology (cell phones, home computers, cameras, etc.) for city business. Employees should be aware that the data transmitted or stored may be subject to the Freedom of Information Act (FOIA).

#### **6.1.2 HANDLING REQUESTS FOR INFORMATION PURSUANT TO FOIA**

Any citizen of the State of Arkansas may request to inspect, copy, or receive copies of public records pursuant to the Freedom of Information Act. Any requests must immediately be forwarded to the public records custodian. If the employee receiving the request is not the custodian, the employee must notify the requester of this fact and identify the custodian.

#### **6.1.3 HANDLING MEDIA REQUESTS**

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed through the Mayor or the custodian of the records in the case of a records request. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, and websites. When responding to media requests, employees should follow these steps:

1. If the request is for routine or public information (such as a meeting time or agenda) provide the information and notify FOIA Coordinator of the request.
2. If the request is regarding information about city personnel, potential litigation, controversial issues, and opinion on a city matter, or if you are unsure if it is a “routine” question, immediately forward to the Director of Human Resources or in the case of a records request, to the appropriate Department Head. An appropriate response would be, “I’m sorry, I don’t have the full information regarding that issue. Let me take some basic information and submit your request to the appropriate person who will get back to you as soon as she/he can.”

3. Ask the media representative's name, questions, deadline, and contact information.

## **6.2 PERSONAL COMMUNICATIONS**

It is important for employees to remember that the personal communications of employees may reflect on the city, especially if employees are commenting on city business. The following guidelines apply to personal communications including various forms such as social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public and will be so for a long time. It may also be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your boss or other employees to read, or that you would be embarrassed to see in the newspaper.
- If you publish something related to city business, identify yourself and use a disclaimer such as, "I am an employee of the City of Ward. However, these are my own opinions and do not represent those of the City of Ward."
- City resources, working time, or official city positions cannot be used for personal profit or business interests, or to participate in personal political activity. For example, a building inspector could not use the city's logo, email, or working time to promote his/her side business as a plumber.

***For further guidance, see the City's Social Media Policy (Attachment 2)***

## **6.3 UNIFORMS AND PERSONAL APPEARANCE**

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Mayor. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees must not wear uniforms while off duty except to and from your scheduled shift or work assignment. It is essential that an employee not be viewed by the public as a representative of the city in any official capacity unless authorized to do so.

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 the employee's supervisor or department head.

If provided, name tags and/or name badges should be worn at all times while on duty or when appropriate.

#### **6.4 GUIDELINES FOR APPROPRIATE CONDUCT**

The City of Ward expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens, and/or the city.

**Whether an employee is on-duty or off-duty, the employee's conduct reflects on the city.** An employee should observe the highest standards of professionalism at all times.

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

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;
- Soliciting or accepting gratuities from citizens;
- Excessive absenteeism or tardiness;
- Excessive, unnecessary, or unauthorized use of city property;
- Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution, or transportation of drugs;
- Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- Fighting or using obscene, abusive, or threatening language or gestures;
- Theft of property from co-workers, citizens, or the city;
- Unauthorized possession of firearms on city premises or while on city business;
- Disregarding safety or security regulations;
- Insubordination;
- Neglect or carelessness resulting in damage to city property or equipment.

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

## **6.5 ABSENTEEISM AND TARDINESS**

Regular attendance is essential to the effective business operations, and the City of Ward 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 taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should give proper notice to his or her supervisor.

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 be considered misconduct and can lead to disciplinary actions including warnings, suspensions, or dismissal.

"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 advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the department head or the employee's supervisor will be deemed absence without leave. Absence Without Leave (AWOL) refers to an employee's unauthorized absence from duty without prior approval, resulting in a non-pay status for non-exempt employees. It's considered misconduct and can lead to disciplinary actions including warnings, suspensions, or dismissal.

## **6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING**

If an employee is considering additional employment, he or she should discuss the additional employment with his or 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 or her job with the city. The work of a full-time employee of the city shall have precedence over any other

occupational interest or pursuit of the employee. A full-time employee is expected to be available for work during all regular working hours and for overtime as required. 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 Mayor.

## **6.7 VOTING**

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

## **6.8 OUTSIDE COMPENSATION**

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

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

Employees of the City of Ward shall not use habit-forming drugs, narcotics, or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase, or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination, as allowed by federal, state, and local laws.

Smoking, or the use of any tobacco product, is not allowed inside any city-owned facility or vehicle. The city complies with all aspects of the Arkansas Clean Indoor Act of 2006. Any employee violating this policy is subject to disciplinary action up to and including termination and may be required to pay a fine if levied by the Arkansas Department of Health.

## **6.10 DRUG-FREE WORKPLACE**

It is the policy of the City of Ward 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, while engaged in city business for the City of Ward or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, and the city's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination, as allowed by federal, state, and local law. 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.

This city policy provides for testing for drug and alcohol abuse by employees who hold safety or security sensitive positions which otherwise are not covered by the controlled substance screen requirements of the Federal Motor Carrier Safety Regulation.

The City of Ward prohibits the possession, smoking, or otherwise use of medical marijuana on city premises. The city reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

## **6.11 USE OF CITY ASSETS AND RESOURCES**

### **6.11.1 TELEPHONES/CELL PHONES/TABLETS, ETC**

Telephones are to be used to conduct city business. Calls of a personal nature are prohibited unless prior approval is received in writing from the Department

Director. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or the employee's colleagues. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

City-issued cellular or mobile telephones and tablets should be used for city business-related purposes. Personal calls are to be minimized. The city reserves the right to monitor the billing and use of all city-issued cellular/mobile telephones/tablets and has the authority to withhold any unauthorized amounts from the employee's wages.

By accepting the use of city-issued cellular telephones/tablet, employees agree to promptly reimburse the city for all personal calls made which are deemed by the city to be excessive in frequency or duration.

Employees are reminded that any and all calls and text messages are subject to FOIA law.

The city reserves the right to ban certain applications (apps) from being installed on city-issued phones.

Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of the employee's city-issued cellular/mobile phone terminated and may be subject to disciplinary actions to include termination of employment

The city reserves the right to monitor and inspect, without notice, the use of its information and technology resources to include city-issued phones/tablets.

#### **6.11.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES**

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Ward provides various information and technology resources such as email, computers, software/computer applications, networks, the Internet, the intranet, facsimile machines, cell phones, pagers, 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. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees, however, should have no expectation of privacy as to their use of city property. The city has the right to access and monitor any and all messages and files on electronic equipment owned

by it and will do so as deemed necessary and appropriate. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the city. Reading another employee's files is prohibited unless authorized by the department head. 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, as needed, up to and including termination of employment. 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 emails;
- Accessing, viewing, or downloading inappropriate websites, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
- Distributing confidential information to persons/entities who 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, 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;

- Decryption of system or user passwords.

Only software which has been purchased or approved by the City of Ward may be loaded or used on any of its computers. All software, programs, applications, templates, data, and 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.

The city reserves the right to ban certain applications (apps) from being installed on city-issued IT devices.

Computer equipment, including software, should not be removed from city premises without prior approval from Mayor.

The city reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

### **6.11.3 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 use is for legitimate business purposes and that access to the Internet is not abused by any one employee.

Downloading files without the express consent of the Department Head 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 head to avoid interception and unauthorized access to information.

### **6.11.4 ELECTRONIC MAIL AND CONFIDENTIALITY**

The City of Ward 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 shall be kept to a minimum.

The electronic mail system shall not be used to solicit or further commercial ventures, religious or political causes, outside organizations, or other non-job-

related solicitations; 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, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

Employees are not authorized to retrieve or read email messages that are not sent to them.

**6.11.5 REMOVAL OF CITY PROPERTY**

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

**6.11.6 USE OF PRIVATELY-OWNED ELECTRONIC COMMUNICATIONS EQUIPMENT FOR PUBLIC JOB-RELATED PURPOSES**

Employees with personal privacy concerns should be aware that there may be consequences to using privately owned electronic communications equipment (including privately owned cell phones) for work related purposes. If an employee uses privately owned equipment for work related purposes, such as work-related text messages or emails, the records of the privately-owned equipment might be subject to disclosure to the public by the Arkansas Freedom of Information Act. Employees are therefore encouraged to use city-owned communications equipment and city-owned software (such as city email) when communicating for job related purposes.

**6.12 WAIVER OF PRIVACY**

Employees waive their right to privacy in anything created, stored, sent, or received on the city's computer or telecommunications system. The city reserves the right to inspect any data, emails, social media content, files, settings, or any other aspect of access made by a city-owned computer or related system and will do so on an as-needed basis as determined by the Mayor. Employees understand that any information created, stored, sent, or received on the city's computer or telecommunications system may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business-related or personal to the employee. Therefore, any such information may be accessed and/or inspected at any time by any member of the public unless it is exempted by law from disclosure.

### **6.13 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 due 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 city vehicles shall not pick up or transport any private parties not directly involved with the work of the city. With prior permission of the Mayor, employees may transport spouses or other persons in city vehicles when attending conferences, meetings, or other occasions. Employees will be allowed to take home a city vehicle for "on-call" purposes only as designated by his or her department director.

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 the Director of Human Resources. The improper, careless, negligent, destructive, reckless, or unsafe use of city equipment or vehicles may result in disciplinary action. All vehicle accidents involving city-owned vehicles will be fully investigated by the Ward Police Department or other agency outside the city regardless of the amount of damage sustained. The operator of a city-owned vehicle shall be subject to the drug and alcohol test as soon as possible following the accident.

The following personnel (by position), are authorized to take a vehicle home. The above rules apply.

- Fire Department
  - Chief
  - Assistant Chief (as available)
- Police Department
  - Chief
  - Lieutenant
  - Detective(s)
  - Sergeant(s)
  - Corporal(s)
  - Patrol Officer(s) (as available)

- Street Department
  - Superintendent
- Water/Wastewater
  - Superintendent
  - Foremen
  - On-Call
    - Water
    - Wastewater
- Parks & Recreation
  - Director

The Mayor may authorize additional “take-home” vehicles on a case-by-case basis.

#### **6.14 POLITICAL CAMPAIGNS**

No city employee shall campaign on city time for any candidate or ballot measure at a federal, state, or local level. Employees are prohibited by law and this policy from using city equipment, property, funds or other resources to campaign for a candidate or ballot measure. After working hours, employees are free to campaign and support candidates and ballot measures in federal, state, county, and local campaigns as long as they do not use city property, funds, equipment or resources. No campaign banners, campaign signs, or other campaign literature shall be placed on any cars, trucks, tractors, or other vehicle belonging to the city.

#### **6.15 DISCIPLINARY ACTION**

Should an employee’s performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory including, but not limited to, violations listed in this handbook, or any other city policy, rule, regulation, or directive, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

- Warning or Reprimand. A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee’s violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
- Suspension. Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.

- Demotion. A demotion is an action that places the employee in a position of less responsibility and less pay.
- Termination. A termination is a removal of an employee from city employment.

#### **6.16 PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION**

**There are NO procedures established for review of disciplinary actions.**

#### **6.17 TOBACCO USE POLICY**

The City of Ward has a responsibility to provide a working environment that is healthy and productive for all employees.

In recognition of the evidence that smoking and tobacco products – to include “vaping” – pose a health risk to the non-user as well as the user, the City has expanded its restrictions on workplace smoking and use of tobacco products to prohibit use in the interiors of all City buildings and vehicles. Smoking or tobacco use is not allowed within a twenty-five-foot perimeter of any entryway of City buildings or structures except as otherwise posted.

No tobacco product or vaping is allowed in City vehicles.

#### **6.18 EMPLOYEE CODE OF CONDUCT**

All employees will sign the City of Ward Municipal Code of Conduct (Attachment 3) as part of the hiring process and annually thereafter. Per Resolution R-2019-03, signing the Code of Conduct initially upon employment and annually thereafter is a condition of your employment.

#### **6.19 PUBLIC ACCESS AND “FIRST AMENDMENT AUDITORS” (ORDINANCE 2025-22):**

There is a growing phenomenon sweeping across the nation called “First Amendment Auditors” in which member of the public film their interactions with government employees and officials in public spaces to test their respect of the First Amendment rights. The goal, of some, is to provoke a reaction that could be seen as a violation of the auditor’s rights, and then post the video on social media.

The City has published an Ordinance(O-2025-22) identifying areas for Public Access, Limited Access and Restricted Access. Each Department Head must familiarize themselves with the various access areas in their respective areas and ensure their staff is aware too.

Bottom line is we must show respect to everyone regardless of their motives or beliefs.

**CHAPTER 7**  
**MISCELLANEOUS INFORMATION**

**7.1 POLICY STATEMENT**

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

**7.2 CONFLICTS**

The policies in this handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

**7.3 SEVERABILITY**

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

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

**7.4 POLICY CHANGES**

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

**7.5 CHANGE OF ADDRESS**

Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to the employee's Department Head.

**CHAPTER 8**

**FORMS**

**APPENDIX A**

**RECEIPT OF CITY OF WARD PERSONNEL HANDBOOK**

(To be placed in employee's personnel file)

I, \_\_\_\_\_, acknowledge receipt of the City of Ward Personnel Handbook.

I understand that this handbook is not a contract.

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

I understand that if I have any questions about the provisions contained in this handbook, I should direct them to Director of Human Resources, City Attorney, or Mayor.

Signed \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_ [*insert name and title of individual*], provided a copy of the City of Ward Personnel Handbook to \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX B**

**EMPLOYMENT RECORDS RELEASE**

TO: \_\_\_\_\_

You are hereby authorized and requested to give to the City of Ward, or to any of its duly authorized representatives, any and all employment information whatsoever including, but not limited to, copies of my personnel file, including disciplinary reports, memos, statements, results of or physicals, drug testing results, and any and all other information which they may request concerning my employment.

You are authorized to release any information relating to my employment, including but not limited to, any information relating to my employment or otherwise maintained by you during the entire term of my employment relationship with you. This authorization is continuing in nature and does not expire unless you receive written, signed and acknowledged notice from me or my authorized agent. A photocopy of this release shall be as valid as an original.

EMPLOYEE (Signature)

EMPLOYEE (Printed Name)

STATE OF ARKANSAS

COUNTY OF

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

My Commission Expires:

*[NOTE: This Release should be used to obtain information from previous employers in order to make informed hiring decisions. A similar release should be used for current or past employee to sign when he or she wishes for you to release information to another prospective employer.]*

**City of Ward**  
**Credit Card Policy and Procedures**  
**City of Ward Employee Handbook – Attachment 1**

**Purpose**

- To establish the Policy and Procedures for the use of City issued credit cards.
- These procedures are intended to accomplish the following:
  - To ensure the procurement with credit cards is accomplished pursuant to the policy and procedures established by the City and approved by the City Council.
  - To enhance productivity, reduce paperwork, improve internal controls, and reduce the overall cost associated with approved purchases.
  - To ensure appropriate internal controls are established to ensure the credit cards are being used for authorized purchases only.
  - To ensure the City bears no legal liability from inappropriate use of credit cards.

**Scope**

- The Mayor will make all decision as the issuance of individual credit cards.
- The City Council will approve, by Resolution, who is authorized to be issued credit cards as well as their spending limits.

**Policy**

- City credit cards are only to be used in the following situations:
  - If a purchase cannot be made through normal accounts payable (i.e. paid with a check, internet sale).
  - Conference/Training Registration
  - Authorized Travel Expenses
    - Fuel
    - Meals (to include tips except as noted below)
    - Hotel
- The following are prohibited uses of a city credit card:
  - Personal Purchases. Use of a city issued credit card with the express with the intention of reimbursing the City is expressly prohibited and will result in disciplinary action up to and including termination.
  - Splitting charges to avoid getting Mayor’s approval
  - Cash advances (ATM, Traveler Checks, Money Orders, etc.)
  - Pay invoices or statement of any kind
  - Payment of tips IF Per Diem has been paid as tips are covered as incidentals.
- All purchases made with a city credit card will be paid within the grace period so as to avoid any interest charges.

- Any incentive program benefits derived from the use of a city credit card will be the property of the City.
- All cardholders shall take the necessary steps to ensure the security of city credit cards and card numbers.
- Lack of documentation or authorization will result in loss of credit card privileges and/or personal liability.
- Misuse of a city credit card by an authorized employee may result in loss of credit card and may result in disciplinary action up to and including termination.
- Cardholder will provide all necessary personal information to the issuing financial institute to include the cardholder's social security number as required by the Federal Patriot Act.
- Cardholder must ensure any purchase for goods or services charged to the city credit card are within budget and is an allowable expenditure. When in doubt, cardholders should contact their Department Head or the Director of Finance for guidance. The Mayor has final approval authority, if needed.
- All unauthorized purchases will NOT be paid by the City of Ward. The City reserves the right to collect on unauthorized purchases.
- The employee is responsible for managing any returns or exchanges and for ensuring the Finance Department is aware of the credit.
- Cardholder will immediately notify the Director of Finance of any lost or stolen card.
- The City of Ward IS NOT exempt from sales tax.
- The use of a city issued credit card is a privilege. As such, it requires greater vigilance and responsibility. Employees must follow existing procedures for purchases or face disciplinary measures including termination, repayment of unauthorized expenditures and/or criminal charges.

### **Procedure**

- Employees issued credit cards are required to read, understand, and sign this Use of Credit Card Policy and Procedure upon issuance.
- Cardholders will use the City's Purchase Order Procedure to obtain permission to use the card.
  - When time is sensitive, or it is impractical at the time of purchase to get permission to purchase, the cardholder will follow-up as soon as practical with a Purchase Order.
  - Department Heads have authority to purchase and authorize purchase up to \$499.00 (tax included) without prior approval. However, a Purchase Order form must be fill out as soon as practical.

- If purchasing on line, the employee is responsible for ensuring what he/she ordered is received.
- Credit card statements will be reconciled monthly by the Finance Department and City CPA.
  - Any unauthorized purchases will immediately be reported to the Mayor.
  - City Council members will be provided a summary of credit card purchase for the previous month.
- Cardholders MUST retain all receipts and other documentation (i.e. printout of the product) and turn them in as soon as practical to the Finance Department.
- Upon separation, cardholders will surrender their city issued credit card to the Director of Finance on or before the last day of employment. Failure to surrender the card could delay the cardholders' final paycheck until the credit card statement is reconciled.

**Policy Violations and Acknowledgement**

Violations of this Policy will subject the employees to disciplinary action up to and including discharge from employment. With my signature below, I hereby acknowledge I have read and understand the City's Credit Card Policy and Procedure.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Print Name)*

**City of Ward**  
**Social Media Policy**  
**City of Ward Employee Handbook – Attachment 2**

**Purpose**

Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, and timely and meet the information needs of the City's customers. Since social media is used for social networking, this policy seeks to ensure proper use of the City of Ward's social media sites by its representatives.

The City of Ward wishes to establish a positive and informative social media presence. City representatives have the responsibility to use the City's social media resources in an efficient, effective, ethical and lawful manner pursuant to all existing City and departmental policies. This policy also provides guidelines and standards for city representatives regarding the use of social media for communication with residents, colleagues and all other followers.

**Policy**

The City of Ward will determine, at its discretion, how its web-based social media resources will be designed, implemented and managed as part of its overall communication and information sharing strategy. City social media sites may be modified or removed by the City at any time and without notice, as described in this document.

City of Ward social media accounts are considered a City asset and administrator access to these accounts must be securely administered in accordance with the City's Computer Use policy. The City reserves the right to shut down any of its social media sites or accounts for any reason without notice.

All social media web sites created and utilized during the course and scope of an employee's performance of his/her job duties will be identified as belonging to the City of Ward, including a link to the City's official web site.

**Application**

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of Ward. This policy also covers the private use of the City's social media accounts by the City representatives, including its employees and agents, appointed board or commission members and all public safety volunteers to the extent it affects the City.

Questions regarding the scope of this policy should be directed to the Director of Human Resources or the Mayor.

## **Definitions**

Social media are internet and mobile-based applications, websites and functions, other than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any topic. This may be referred to as “user-generated content” or “consumer-generated media.”

Social media includes, but is not limited to:

- Social networking sites such as Facebook, LinkedIn, Twitter, Google Plus, Skype, WeChat, and online dating services/mobile apps
- Blogs
- Social new sites such as Buzzfeed, Reddit, Digg and Hacker News
- Video and photo sharing sites such as YouTube, Instagram, Snapchat, Pinterest and Tumblr
- Wikis, or shared encyclopedias such as Wikipedia
- An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above

As used in this policy, “employees and agents” means all City representatives, including its employees and other agents of the city, such as independent contractors, Planning Commission Members, Water Advisory Committee Members, etc.

## **Rules**

City employees and agents with administrator access are responsible for managing social media websites. Facilities or departments wishing to have a new social media presence must initially submit a request to the City Mayor in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved sites will be clearly marked as the City of Ward site and will be linked with the official City website [www.wardarkansas.gov](http://www.wardarkansas.gov). No one may establish social media accounts or websites on behalf of the City unless authorized in accordance with this policy.

Administration of all social media web sites must comply with applicable laws, regulations, and policies as well as proper business etiquette.

City social media accounts accessed and utilized during the course and scope of an employee’s performance of his/her job duties may not be used for private or personal purposes or for the

purpose of expressing private or personal views on personal, political or policy issues or to express personal views or concerns pertaining to the City employment relations matters.

No social media website may be used by the City or any City employee or agent to disclose private or confidential information. No social media web site should be used to disclose sensitive information. Questions as to whether information is private, confidential or sensitive should be referred to the Director of Human Resources for guidance.

When using social media sites as a representative of the City, employees and agents will act in a professional manner. Examples include but are not limited to:

- Adhere to all City personnel and Computer Use policies
- Use only appropriate language
- Refrain from soliciting and/or selling products or services

Be aware that content will not only reflect on the writer but also on the City of Ward as a whole, including elected officials and other city employees and agents. Make sure information is accurate and free of grammatical errors.

- Do not include private or confidential information, such as names or titles or use such material as part of any content added to a site.
- Do not negatively comment on community partners or their services, or use such material as part of any content added to a site.
- Do not provide information related to pending decisions that would compromise contracts or contract negotiations.
- Be aware that all content added to a site is subject to open records/right to know laws and legal discovery.
- Always keep in mind the appropriateness of content.
- Comply with any existing code of ethical behavior established by the City.

Where moderation of comments is an available option, comments from the public will be moderated by City staff, with administrative rights, before posting. Where moderation prior to posting is not an option, sites will be regularly monitored by City staff.

City of Ward's staff with administrative rights will not edit any posted comments. However, comments posted by members of the public will be removed if they are abusive, obscene, defamatory, in violation of the copyright, trademark right or other intellectual property right of any third party, or otherwise inappropriate or incorrect. The following are examples of content that may be removed by City staff before or shortly after being published:

- Potentially libelous comments
- Obscene or racist comments
- Personal attacks, insults, or threatening language
- Plagiarized material
- Private, personal information or photos published without consent
- Comments totally unrelated to the topic of the forum
- Commercial promotions or spam
- Hyperlinks to material that is not directly related to the discussion

### **Personal Social Media Use**

The City of Ward respects employees and agents' rights to post and maintain personal websites, blogs and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The City requires employees and agents to act in a prudent manner with regard to website and internet postings that reference the City of Ward, its personnel, its operations or its properties. Employees, agents, and others affiliated with the City may not use a city brand, logo or other city identifier on their personal sites, nor post information that purports to be the position of the City without prior authorization.

City employees and agents are discouraged from identifying themselves as city employees when responding to or commenting on blogs with personal opinions or views. If an employee chooses to identify him or herself as a City of Ward employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:

“These are my own opinions and do not represent those of the city of Ward”

Occasional access to personal social media websites during work hours is permitted, but employees and agents must adhere to the guidelines outline in the City's Computer Use policy and the City's Respectful Workplace policy. Employees and agents should also review the Data Ownership section of this policy (below).

There may be times when personal use of social media (even if it is off-duty or using the employee's own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

- Friendships, dating or romance between co-workers
- Cyber-bullying, stalking or harassment
- Release of confidential or private data. If you have questions about what constitute confidential or private data, contact Director of Human Resources.
- Unlawful activities
- Misuse of city-owned social media
- Inappropriate use of the city's name, logo or the employee's position or title

- Using city-owned equipment or city-time for extensive personal social media use

Each situation will be evaluated on a case-by-case basis because the laws in this area are complex. If you have any questions about what types of activities might result in discipline, please discuss the type of usage with Director of Human Resources.

In light of a 2024 Supreme Court ruling<sup>8</sup>, all employees are cautioned to use their personal social media pages for personal items/comments only. Using your personal social media account to comment about a city-related activity – especially when you identify yourself as a city employee – may imply that you are purporting to have authority to speak for the city and therefore be subject to FOIA rules and rules concerning violations of the First Amendment as defined in the ruling. In summary... keep your personal social media account for your personal postings.

### **Content**

All social media communications or messages composed, sent, or received on city equipment in an official capacity are the properties of the City and will be subject to the Arkansas Freedom of Information Act. This law classifies certain information as available to the public upon request. The City of Ward also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity.

The city retains the right to monitor employee’s social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

### **Policy Violations and Acknowledgement**

Violations of this Policy will subject the employees to disciplinary action up to and including discharge from employment. With my signature below, I hereby acknowledge I have read and understand the City’s Social Media Policy.

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*(Signature)*

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*(Date)*

---

*(Print Name)*

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<sup>8</sup> *Lindke v. Freed*

**City of Ward**  
**Municipal Employee Code of Ethics/Conduct**  
**City of Ward Employee Handbook – Attachment 3**

**PRINCIPLES**

- The City of Ward strives to maintain a high level of public trust and confidence in the integrity, objectivity and impartiality of the municipality.
- As our most valuable and significant resource, our employees are expected to maintain high standards of personal and professional conduct, demonstrate integrity and impartiality at all times, and perform their duties and responsibilities in a manner that recognizes a commitment to the well-being of the community.

**PREAMBLE**

- This Code of Conduct operates in addition to other policies, regulations, and administrative directives for employees, as may be determined from time to time by the Mayor or the City Council.
- Where any provision of this Code is inconsistent with an employment contract that applies to that employee, the provision of employment contract applies.

**DEFINITIONS**

- Assets include, but are not limited to, municipal buildings and land, equipment, supplies, vehicles, materials, electronic networks, and financial assets.
- Code means the Municipal Employee Code of Conduct approved by Council.
- Confidential information means information that is not part of the public domain and information designated by council as confidential, such as personal information, internal policies, items under any legal proceeding, etc.
- Dependent means the spouse or partner of an employee, and any child, natural or adopted, residing with the employee.
- Employee means any person employed by the municipality, designated officers, full time, part time, contract, or casual employees, including volunteers.
- Municipality means the City of Ward.

**SCOPE**

- This code applies to all employees of the municipality.

**USE OF CONFIDENTIAL INFORMATION**

- Employees may have access to confidential information during the course of their duties and responsibilities.

- Employees are expected to keep information confidential, until the information is available to the general public.
- Employees must not use confidential information concerning the affairs of the municipality to advance their personal interests, their dependents' interests, or the interests of any other person.

#### **USE OF INFLUENCE**

- The municipality strives to ensure fairness and objectivity in its decision-making process. Employees must not use their positions to give anyone preferential treatment that would advance their own interests, or that of any member of the employee's family, friends or business associates.

#### **ACCEPTANCE OF GIFTS**

- Citizens' perception of the integrity of the municipality and its employees is important. Employees must avoid real or perceived appearances of impropriety with organizations or businesses that do business with the municipality.
- Gifts, favors, or benefits that are part of a normal exchange between persons doing business or part of a public function are permitted.

#### **USE OF MUNICIPAL PROPERTY AND ASSETS**

- Municipal property and assets belong to the community as a whole and must only be used by an employee to perform work related duties and responsibilities, or for community activities that are authorized by council.
- Personal use of municipal property and assets by an employee is not permitted.
- Municipal property and assets in the care of an employee must be protected and kept secure at all times.

#### **POLITICAL AND COMMUNITY ACTIVITIES**

- All employees have the right to take part in political and community activities. Employees need to ensure that participation in such activities does not place them in a real or perceived conflict of interest.
- Employees may only participate in political activities (e.g., actively campaign or solicit funds for a political party or candidate) outside work hours and without using municipal property, assets, or resources.

#### **FAMILY AND PERSONAL RELATIONSHIPS**

- The municipality strives to be fair, objective and transparent at all times. Municipal employees must ensure that their family and other personal relationships and their official duties are independent of each other.

- Employees must not give preferential treatment to family or any other person with whom the employee has a personal relationship.

#### **OUTSIDE WORK OR BUSINESS ACTIVITIES**

- Employees are committed to ensuring the municipality's success in delivering services to citizens effectively and efficiently and must act in the best interests of the municipality.
- Employees must ensure that they avoid any outside employment or business activities:
  - that interfere with the performance of an employee's duties;
  - in which the employee has an advantage or appears to have an advantage as a result of their employment with the municipality;
  - that will or might appear to influence or affect the employee in carrying out their municipal duties;
  - that requires or involves use of municipal property or assets;
  - that is contrary to the interests of the municipality.

#### **PROCEDURES**

- Employees are expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the Code from the Human Resources Director if they are unsure whether their behavior, circumstances, or interests contravene the Code.
- Where an employee suspects that he or she is, or may potentially be, in conflict with any of the provisions of the Code, the employee must disclose the conflict or potential conflict in writing, to:
  - his or her direct supervisor, in the case of any employee. The supervisor must immediately advise the Human Resources Director.
  - council or the Personnel Committee in the case of the Human Resources Director.
- The disclosure should include a detailed description of the conflict or potential conflict.
- Where a disclosure is made, the matter will be treated seriously and in confidence. The supervisor must review the disclosure within five (5) business days, from the date the disclosure is made, and determine an appropriate course of action to address the actual or potential conflict.
- An employee who contravenes the code or fails to disclose an actual or potential conflict may be subject to discipline.

**REVISIONS**

Council may, at its discretion and by resolution, amend the Code.

**ADOPTION**

This Code of Ethics was adopted by Resolution by the Ward City Council on January 21, 2019.

Resolution Number: R-2019-03

***I affirm that I have read and understand the City of Ward Code of Ethics for Municipal Employees. I also affirm that the original of this Code with my signature below will be maintained in my personnel files and that I will be required to re-read and re-sign this Code annually on or near the date of my anniversary with the City of Ward.***

\_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

**City of Ward**  
**Catastrophic Sick Leave Bank Program**  
**City of Ward Employee Handbook – Attachment 4**  
**(Adopted July 17, 2020 by Ordinance 2020-08)**

**The Catastrophic Sick Leave Bank Program** provides paid leave to City employees when the employee or an immediate family member requiring their care face a catastrophic illness and the employee would otherwise go on leave without pay. Employees enroll in the Catastrophic Sick Leave Program voluntarily by donating earned sick leave to a pool of leave for use by other eligible employees.

Regular full-time City employees must meet the following minimum requirements to be eligible for Catastrophic Leave:

- Provide a certification from a physician documenting a medical condition requiring leave for a prolonged period of time for the employee or employee’s immediate family member (spouse, parent, or child).
- Participate in the catastrophic leave bank program including enrollment and the minimum contribution of eight hours.
- A minimum of one year of service as a full-time employee.
- Already submitted all FMLA paperwork to cover the employee’s extended leave of absence.
- A minimum accrual of 80 hours (vacation and sick combined) at the beginning of the illness.
- Employees must be, or reasonable expected to be, on leave without pay status;
- A letter must be provided from the employee’s Department Head regarding any history of leave of abuse.
- Employees must be enrolled for six-months prior to eligibility.

The Human Resources Director holds the responsibility to maintain the balance of the Catastrophic Leave pool and report it to the Catastrophic Leave Committee as requested.

Employees may not receive leave from the Catastrophic Leave bank while on a Workers Compensation injury.

***Catastrophic Leave Committee***

A committee made up of four (4) participants in the Catastrophic Leave Bank Program will be appointed by the Human Resource Director to review all requests and determine whether to grant Catastrophic Leave. If one of the four (4) participants cannot make the meeting, the Human Resources Director will appoint another member of the program for that particular request. The City Attorney will also serve as a voting member of the Catastrophic Leave Committee. The

Human Resources Director will not vote in any decision. Leave granted may not exceed the latter of

- The date the employee or family member is released to duty (full or modified) by the treating physician; or
- The date of eligibility for disability benefits. Catastrophic leave cannot be awarded retroactively. The maximum award permitted is six (6) months in any two (2) year period beginning from the initial use of catastrophic leave. Applications for Catastrophic Leave will be reviewed on a first-filed, first considered basis. Catastrophic Leave, which would result in a negative balance of the City's Catastrophic Leave Bank, will not be approved.

***Donations to the Catastrophic Sick Leave Program***

Upon enrollment, employees will contribute eight (8) hours of sick leave to join the program. After enrollment, an annual four (4)-hour contribution will be automatically deducted from accrued sick leave at the end of each December. Additionally, enrolled employees may donate up to 120 additional sick hours at any time during the year so long as their annual contribution is no more than 124 hours total. Employees may NOT donate vacation leave at any point nor may employees donate any time that will be forfeited at the end of the year due to maximum carryover rules. Employees will not be required to make an annual donation for up to six (6) months after their illness or injury. Donations to the Catastrophic Leave Program are not tax deductible. Participation will continue until the participating employee requests termination of participation in writing. Enrollment and Catastrophic Leave Request forms are available from the Human Resources Department.

In the event that for any reason an employee who is a member of the Catastrophic Sick Leave Program is terminated, resigns, leaves, or retires from the City, he/she may not donate remaining sick or any type of leave to the program.<sup>9</sup>

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<sup>9</sup> 12 changed to 120 and 16 changed to 124 see Ordinance O-2021-06

### ***Requesting Catastrophic Leave***

A participating employee who has exhausted all available leave time and who presents documentation of the ongoing illness from the treating physician may request leave time from the Catastrophic Leave Program. Employees or their designees must file the following documents: Recipient Application and Physicians Certificate. Forms should be presented to the Human Resources Director in time for review and consideration before an employee goes on leave without pay. Catastrophic Leave Forms are available from the Human Resources Department. Any unused Catastrophic Leave will be returned to the program in the event the employee is terminated, retires, or returns to work prior to the expiration of the previously approved Catastrophic Leave Period.