

ORDINANCE NO. 375

AN ORDINANCE ADOPTING AND APPROVING THE CITY
OF BARLING ADMINISTRATIVE EMPLOYEE HANDBOOK

WHEREAS, at the present time the City of Barling does not have a current comprehensive administrative employee handbook;

WHEREAS, the Board of Directors of the City of Barling desires to adopt a comprehensive administrative employee handbook;

WHEREAS, it is the stated and express purpose of the City of Barling to remain an "Employment at-Will" employer;

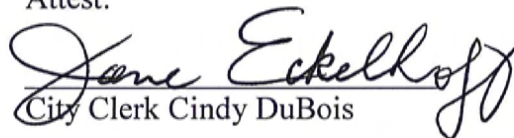
BE IT HEREBY ORDAINED by the Board of Directors of the City of Barling, Arkansas:

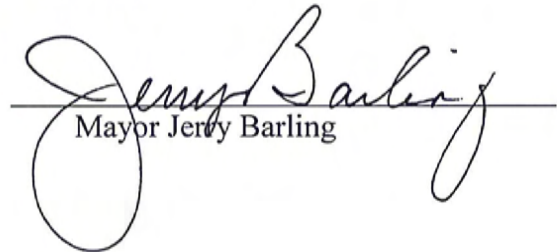
Section 1. the City of Barling Administrative Employee Handbook dated February 2011 shall be and is hereby adopted and approved as the official City of Barling Personnel Policy.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed and, specifically, Ordinance No. 234, insofar as it conflicts with this ordinance, is specifically repealed.

PASSED AND APPROVED, this 8th DAY OF FEBRUARY 2011.

Attest:


City Clerk Cindy DuBois


Mayor Jerry Barling

City of Barling

**Administrative
Employee Handbook**

TABLE OF CONTENTS

POLICY STATEMENT	3
EMPLOYMENT PRACTICES.....	3
EQUAL EMPLOYMENT OPPORTUNITY.....	3
ANTI-HARASSMENT POLICY.....	3
QUESTIONS, SUGGESTIONS AND PROBLEM RESOLUTION.....	4
INTRODUCTORY PERIOD OF EMPLOYMENT	4
CHANGE OF ADDRESS	5
DRIVER'S LICENSE REQUIREMENT	5
HOURS AND ATTENDANCE	5
ATTENDANCE POLICY.....	5
OVERTIME.....	6
SECURITY.....	7
REHIRE POLICY	9
BENEFIT OFFERINGS	10
LEAVE FOR NON- UNIFORMED SERVICES.....	10
Vacation.....	10
Sick Leave.....	10
POLICE DEPARTMENT.....	11
Vacation.....	11
Sick Leave.....	11
FIRE DEPARTMENT:.....	11
Vacation.....	11
Sick Leave.....	12
DONATING LEAVE	12
HOLIDAYS.....	13
FAMILY AND MEDICAL LEAVE	14
A. General Provisions.....	14
B. Eligibility	14
USERRA AND MILITARY LEAVE	14
FUNERAL LEAVE	15
JURY DUTY	15
VOTING LEAVE.....	15
MISCELLANEOUS LEAVE.....	15
ACCESS TO PERSONNEL FILES.....	15
CUSTOMER (CITIZEN) RELATIONS AND CONFIDENTIAL INFORMATION	16
ALCOHOL AND DRUG POLICY	16
FITNESS FOR DUTY	16
NOTIFICATION.....	17
ELECTRONIC SERVICES POLICY.....	17
SOLICITATION, DISTRIBUTION, AND TRESPASSING.....	17
POLITICAL ACTIVITY RESTRICTED	18
CONFLICTS OF INTEREST	18

POLICY STATEMENT

The Personnel Policy and the Employee Handbook of the City outline the general policies of personnel administration, and are not intended to constitute an expressed or implied contract between the City and its employees. No verbal statement by any supervisor and/or department head can modify this policy. The Board of Directors is the only body that has the authority to modify or amend any policy of the City of Barling.

EMPLOYMENT PRACTICES

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to provide equal employment opportunity to all qualified persons and not discriminate against applicants or employees because of race, color, religion, sex, pregnancy, national origin, age, veteran status, disability, and any other factor protected by law. This applies to all phases of employment, including recruitment, placement, promotion, training, transfer, layoff, discipline, termination, compensation, benefits, and participation in all city-sponsored employee activities, events, and programs. All employees must follow this policy in dealing with applicants, co-workers, customers (citizens), vendors and visitors.

If you feel you have been discriminated against at work, you should bring the matter to the attention of the City utilizing the City's Employee Problem Resolution/Open Door Policy or, if applicable, the City's Anti-Harassment Policy. Retaliation against employees for bringing complaints forward about discrimination is strictly prohibited.

In addition, the City will reasonably accommodate the known disabilities of employees who are otherwise qualified to perform the essential functions of their jobs. If you are unable to perform an essential function of your job because of a disability, you are encouraged to discuss possible accommodations with your supervisor, department head, or the City Administrator.

We take pride in reflecting the community we serve and welcome diversity within our workplace.

ANTI-HARASSMENT POLICY

The City prohibits harassment of any employee based on race, color, religion, sex, pregnancy, national origin, age, veteran status, disability, or any other factor protected by law. All employees of the City should be able to work in an environment free of such harassment by co-workers, supervisors, department heads, and non-employees.

Harassment is a form of unlawful discrimination and is considered illegal under various federal, state and local laws. The City considers conduct prohibited when:

- (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission to or rejection of the conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of the individual's employment; or
- (3) the conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of the type of unwelcome conduct that are prohibited by this policy include, but are not limited to: unwanted touching or sexual advances; unwanted and repeated sexual jokes, flirtation, advances, or propositions; foul or obscene language or other communication, such as e-mails; slurs, derogatory or sexual jokes; taunts, threats or derogatory or offensive comments based on race, color,

CHANGE OF ADDRESS

Employees changing their home address or telephone number must notify their 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, or if the employee has a change in dependents (such as birth/adoption of a child) the employee should report it to his/her Department Head.

DRIVER'S LICENSE REQUIREMENT

Each employee whose job will include driving a vehicle is required to have a valid driver's license and to have and maintain an acceptable driving record. If you are involved in a moving violation, lose your driving privileges, have your driving privileges restricted and/or do not have a valid driver's license, you must immediately notify your supervisor. Failure to report the loss of your driving privileges to your supervisor may result in corrective action, up to and including termination. The City reserves the right to check your driving record periodically, without prior notice.

HOURS AND ATTENDANCE

Your normal working hours are scheduled by your supervisor/department head and regularly scheduled attendance by you is required. You are expected to be at your assigned work station on time each work period ready and able to work.

Occasionally you may be faced with unexpected situations, which prevent you from reporting to work on time. Your job is important and your supervisor must make arrangements to cover for your absence. If you know that you will be late to work, you should notify your supervisor by the end of your preceding work day so arrangements can be made to cover your position for a short period of time. If circumstances prevent you from knowing you will be late, you must notify your supervisor as soon as possible prior to your scheduled start time. You must report all absences from work personally to your immediate supervisor/department head. Tardiness for non-exempt staff will be reviewed and assessed for each day of work the employee does not report as scheduled. Continued Tardiness will result in disciplinary action.

Employees are responsible for maintaining an accurate record of the hours/days worked. Adjustments after the fact place an undue burden on others to ensure employees are compensated correctly for the time worked.

No-Call - No Show

All employees must inform their department head of absences/lateness whenever possible. Staff who fail to contact their department cause others to take on additional duties, which leads to an overall loss in productivity. An employee, who fails to notify his /her department head of any absence in accordance with the department's policy, will be subject to corrective action as follows:

- 1st failure to notify of absence – verbal warning
- 2nd failure to notify of absence - written warning
- 3rd failure to notify of absence - termination

Employees who are absent for three (3) consecutive days without notifying their departments will be presumed to have resigned their positions.

compensation, repayment of salary advances, or for unpaid suspensions as a part of a corrective action.

Exception to Overtime for Exempt Employees

Some special rules apply to additional deductions from the pay for exempt employees. The City may make deductions from the pay of an exempt employee, including deductions of one or more days of pay, for the following reasons: when an employee is absent from work for one or more full days for personal reasons other than sickness or disability; when an employee is absent for one or more full days due to sickness or disability that exceeds the limits of the City's vacation, sick leave policy; to offset amounts an employee receives as jury fees, or for military pay; for penalties imposed for infractions of safety rules of major significance; or for unpaid corrective suspensions of one or more full days for violations of workplace conduct rules. The City will not take deductions from an exempt employee's pay for partial day absences except for time not worked pursuant to an approved FMLA leave, which is not otherwise compensated through application of vacation or sick leave. It is the policy of the City to comply with all applicable laws. Therefore, the City prohibits improper deductions from the pay of exempt employees.

Although the City makes every effort to accurately process payroll, errors occasionally occur. If, at any time, you believe that an error has been made and your paycheck does not accurately reflect the appropriate compensation for the hours worked or incorrect/inappropriate deductions were taken, you should immediately report this to the Finance Manager. All payroll issues will be immediately investigated. If it is determined that an error was made, it will be corrected, including reimbursement for any incorrect or improper deductions.

SECURITY

The City will attempt to provide security for its employees and the citizens we serve. Should any situation arise which needs attention, please inform your Supervisor, Department Head, or the City Administrator. Employees are responsible for their personal belongings and should take precautions to ensure that they are properly protected. Effective security is dependent upon the cooperation of all employees.

Employees at Risk: The City will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. In order to provide a safe work environment for employees in such situations, the employee must discuss the circumstances with the City Administrator. The City will design a plan with at-risk employees to prepare for any possible emergency situations.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the City's premises will be reported to the proper authorities and fully prosecuted.

REHIRE POLICY

Former employees who apply for an open position with the City may be considered for rehire if the previous separation of employment was on good terms. Employees who are terminated due to lack of work must apply for an open position to be considered for rehire. The City does not automatically recall employees terminated due to lack of work nor does it directly notify them of job openings.

A maximum balance of 480 hours may be carried over from one year to the next. An employee should notify his/her supervisor as early as possible as to when he or she is ill. No less than 1 (one) hour sick leave will be paid for an absence.

Police Department:

Vacation

Pursuant to Ark. Code Ann. §14-52-106, each employee shall be granted an annual vacation of not less than fifteen (15) working days(120 hours) with full pay.

The Police Chief shall see that employees of the police department take all of their vacation time before the end of the calendar year which is calculated from hire date and using the hire date as the anniversary date.

Sick Leave

Pursuant to Ark. Code Ann. §14-52-107, law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days(160 hours) per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days (480 hours). 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 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. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days (480 hours) salary.

Fire Department:

Vacation

Pursuant to Ark. Code Ann. §14-53-107, each employee shall be granted an annual vacation of not less than fifteen (15) days equal to eight (8) shifts totaling 192 hours with full pay.

The Fire Chief shall see that employees of the fire department take all of their vacation time before the end of the calendar year which is calculated from hire date and using the hire date as the anniversary date.

To the extent it differs from the procedure set forth herein, the uniformed employees of the Police and Fire Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

Procedure

Employees who would like to make a request to receive donated leave are required to complete a Donation of Leave Request Form. The Request Form includes authorization to present their request to the employees of the City for the sole purpose of soliciting donations.

Employees who wish to donate leave to a co-worker in need must complete a Donation of Leave Form.

All forms should be returned to the City Administrator.

Approval

Requests for donations of leave must be approved by City Administrator, the employee's department head and immediate supervisor.

If the recipient employee has available leave in their balance, this time will be used prior to any donated leave. Donated leave may only be used for time off related to the approved request. Leave donated that is in excess of the time off needed will be returned to the donor.

Holidays

The city recognizes the following twelve (12) days as paid Holidays for regular, full-time employees who are normally scheduled to work that day:

- New Year's Day
- Martin Luther King Jr.'s birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving Day (*If granted by Executive Proclamation of the Governor.*)
- Christmas Day
- One day at Christmas, either December 24 or December 26, to be determined by the City Administrator

The Governor may at his discretion establish by Executive Proclamation additional days when state offices shall be closed in observance of special events or for other reasons.

Hours paid for Holidays throughout the year will not be included in total number of hours worked for overtime calculations. Any holiday that falls on Saturday or Sunday shall be observed on the preceding Friday or the following Monday, as determined by the City Administrator.

To qualify for holiday pay an employee must work his/her last regularly scheduled shift immediately preceding and the first regularly scheduled shift immediately following the holiday, or be on an Authorized Leave with Pay. All employees shall be subject to being scheduled to work holidays by the Department Head as the need may arise.

Also, all full-time employees are entitled to one personal holiday per calendar year.

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 Ark. Code Ann. § 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. Employees should provide appropriate documentation to the Finance Manager as soon as possible when called for training or active duty.

Funeral Leave

Employees will be paid up to (3) consecutive days of leave to attend the funeral of an immediate family member, as defined below, and to handle related personal affairs. Unpaid time off to attend the funeral of a non-relative may be granted at your department head's discretion, or you may be permitted to use vacation, again at your department head's discretion. Immediate family members are defined as: spouse, child, mother, father, sister, brother, guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Your department head must approve all funeral leave in advance. Any funeral leave pay will be calculated at your regular rate of pay not to exceed eight hours each day. The funeral pay will be paid only for scheduled work time lost and will not be counted in computing overtime.

Jury Duty

Any employee who receives a summons to jury duty shall be entitled to leave with pay for such duty.

Voting Leave

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, department heads are authorized to grant a reasonable period of time during the work day to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

Miscellaneous Leave

The attendance of employees at conferences, seminars and training programs is considered part of continual professional development. Attendance at such seminars and programs must be pre-approved by the City Administrator. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. The City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to 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, and/or corrective action.

ACCESS TO PERSONNEL FILES

Employee files are maintained by the Finance Manager and are considered confidential. Department Heads and supervisors other than the Finance Manager may only have access to personnel file information on a need-to-know basis. A department head or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file. Personnel files are to be reviewed in the Finance Department. Personnel files may not be taken outside of the department.

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 corrective action, including immediate termination.

ELECTRONIC SERVICES POLICY

Computer technology and the Internet have become an important part of today's business. Likewise, e-mail is an essential business tool. Computers, Internet access, and e-mail are provided to employees for City business only and are not for personal use. Computers, like all other equipment that is provided by the City, are the property of the City. E-mail and Internet "surfing" should not be considered private or confidential and may be monitored or inspected at any time by management.

All city policies apply to the use of computers, the Internet and e-mail by employees, including the City's policies on discrimination, harassment, solicitation, customer (citizen) relations and confidential information, alcohol and drug use, and employee conduct. Downloading, transmitting, viewing, or possessing electronic information or materials that are not work-related is prohibited. This includes, but is not limited to items that may be considered pornographic, sexually explicit, or offensive.

All employees are responsible for keeping their computer passwords secure. Passwords should be a non-obvious combination of letters or symbols and should be changed frequently. All employees are required to log off the computer when they leave their desks.

You are asked to take appropriate measures to secure confidential, privileged, proprietary, or sensitive information when sending this type of information via e-mail. Messages should be routed only to those with a legitimate need to know and they should have appropriate marking that such messages are privileged, confidential, proprietary or contain sensitive information, and if necessary, the transmissions should also be encrypted.

Examples of actions and behaviors that are considered inappropriate include the display and/or transmission of voice, images and/or text that are sexually-oriented, ethnic slurs, racial comments, off-color jokes, forgeries or misidentifications of the sender, and alterations to other's messages not clearly identified as such. Anything that may be construed as harassing or showing disrespect for others is considered inappropriate.

Because the City does not tolerate inappropriate behavior, you should contact your immediate supervisor if you encounter another employee engaged in what you believe to be such inappropriate behavior using electronic business equipment. Please see the City's Anti-Harassment Policy (on page 3) for further information regarding how to report these issues. Employees who violate this policy will be subject to corrective action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

SOLICITATION, DISTRIBUTION, AND TRESPASSING

Solicitation, distribution of literature or materials, or trespassing by non-employees is prohibited on City property at all times.

Solicitation and distribution of literature or materials by employees for any cause or organization is prohibited during working time. Solicitation is prohibited if either the solicitor or the person being solicited is on working time. Non-working time includes before work, after work, and approved break times and meal times.

RECORDING DEVICES

Employees are prohibited from bringing onto City premises and prohibited from using during work hours or while conducting City business, audio or video recording equipment including, but not limited to, tape recorders, cameras and video cameras. Employees are prohibited from utilizing these recording features of a personal cell phone while on company property or during scheduled work hours.

COMMUNICATING WITH THE PUBLIC

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

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

EMERGENCY SAFETY PROCEDURES

The City's goal is to provide employees with a safe and secure work environment. To report an emergency, employees should call their Supervisor, Department Head, and/or City Administrator. If needed, the police and/or the fire department should also be contacted. For additional information on City emergency procedures, please visit with your Department Head or the City Administrator.

INCLEMENT WEATHER

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

SAFETY POLICY

Providing a safe place to work, the proper protective equipment, and a work environment conducive to safe practices and policies is important to management. The City expects all employees to be responsible for working safely and carefully, and for maintaining a work area free of safety hazards. Management believes that performance geared to safety is always more efficient, and that inherent in every operation there must be a need and a desire to perform each operation safely. The aim of the safety policy is to avoid all injuries and illness. Therefore, infractions such as those listed below will result in corrective action, up to and including termination, depending on the facts of the case.

Since it would impossible to provide rules to cover every situation, the following list is not intended to be all inclusive. This list illustrates some violations that are unacceptable by City employees:

- A. Failing to wear seat belts at all times either as a driver or a passenger during working time and/or in a city owned/operated vehicle.
- B. Reckless driving or exceeding the speed limit while operating any City owned vehicle or while operating an employee's vehicle on City property.

- R. Presence on City premises before or after your scheduled work time or on an off day, unless authorized; or failing to leave City premises when requested by proper authority.
- S. Smoking in areas where smoking is prohibited.
- T. Fighting or using abusive language toward a supervisor, another employee, or a customer (citizen).
- U. Violating the City's Recording Devices Policy.
- V. Failure to follow the City's Problem Resolution Procedure (on page 4) unless an emergency condition (life threatening for example) dictates otherwise.
- W. Improper political activity.
- X. Violating any of the City's policies, including but not limited to those in this handbook.

Management reserves the right to impose discipline where the management deems it appropriate and necessary to do so.

CORRECTIVE 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 or regulation, directive or ideal, the employee may be subject to corrective action up to and including dismissal. It may be appropriate, in some situations, for a department head to also provide an employee with a Performance Improvement Plan (PIP).

Corrective action may include, but is not limited to:

Performance Improvement Plan (PIP)

Explains the deficient areas in an employee's performance and establishes steps required to achieve the desired outcome.

Warning or Reprimand

Action used to alert the employee that his/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 verbally or in writing.

Suspension

Involves the temporary removal of an employee from his/her job. An employee may be suspended with or without pay.

Termination

This type of corrective action permanently ends the employment relationship with the City and individual.

ACKNOWLEDGEMENT AND RECEIPT

I acknowledge that I have received, read, and understand the policies outlined in the City of Barling Employee Handbook. I agree to conform to the rules and regulations of the City of Barling as described in the handbook which is intended as a guide to human resource policies and procedures. I understand that the City has the right to change the handbook without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and employees will be notified of such changes through normal communication channels.

I also understand and agree that the information contained in these materials does not constitute an employment contract between the City of Barling and me, and that either I or the City of Barling may terminate our employment relationship at any time, with or without cause. I understand that no department head or representative of the City of Barling, other than the City Administrator, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.

Employee Signature

Date

Employee Name (please print)

Note: Please give this completed form to your department head/supervisor for filing in your personnel file.