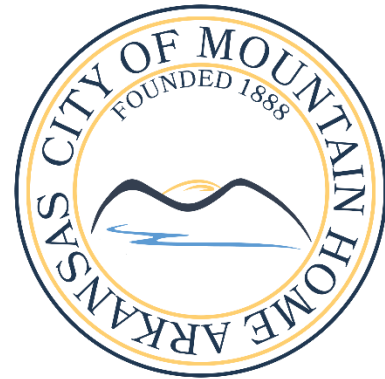


# **MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA**

THURSDAY, SEPTEMBER 7th, 2023 @ 6 P.M.  
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS

Pledge of Allegiance  
Prayer  
Roll call  
Minutes from the August 24th Council meeting  
Committee reports  
Bank reconciliations  
Announcements



## **OLD BUSINESS**

***[SECOND READING] AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF A PUBLIC SAFETY CAMERA SYSTEM FROM CRITICAL EDGE OF JONESBORO, ARKANSAS, FOR A SUM OF \$65,000, presented by Eddie Griffin***

## **NEW BUSINESS**

***AN ORDINANCE AMENDING ORDINANCE NO. 2023-18, 2022-45, 2022-32, 2022-21 TO EXPAND AND REDEFINE THE JOB CLASSIFICATION AND COMPENSATION PLAN IN ORDER TO ENHANCE EFFICIENT MANAGEMENT WITHIN THE DEPARTMENTS OF THE CITY OF MOUNTAIN HOME, presented by Sue Edwards***

***AN ORDINANCE AMENDING CHAPTER 6, SECTIONS 6.14 AND 6.15 OF THE PERSONNEL POLICY HANDBOOK FOR THE CITY OF MOUNTAIN HOME; AS ADOPTED BY ORDINANCE NO. 2006-16, presented by Sue Edwards***

## **COMMENTS**

## **ADJOURN**

Respectfully submitted,  
Scott Liles, City Clerk

**MINUTES**  
**REGULAR CITY COUNCIL MEETING – Thursday, August 24th, 2023**

1. The Mountain Home City Council met in regular session on August 24<sup>th</sup>, 2023, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 6 p.m.
2. **ROLL CALL** Following the Pledge of Allegiance and an invocation, the following Council members were present for the roll call: Bob Van Haaren, Susan Stockton, Wayne Almond, Paige Evans, Carry Manel and Jim Bodenhamer. Council members Jennifer Baker and Nick Reed were absent.
3. **IN ATTENDANCE** City officials present: Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan, Finance Director Alma Clark, Planning and Engineering Director Arnold Knox, Fire Chief Kris Quick, Police Chief Eddie Griffin, Assistant Police Chief Robert McCoy and Code Enforcement Officer Mike Anderson.
4. **MEDIA** Chris Fulton with the Mountain Home Observer, Heather Link with KTLO News, Caroline Spears with The Baxter Bulletin and David Taylor with the Daily Citizen Journal.
5. **MINUTES** Council member Wayne Almond made a motion to approve the minutes from August 3<sup>rd</sup>, 2023, meeting. The motion was seconded by council member Susan Stockton. *The vote was recorded as follows: All present – Yes.*
6. **NEW BUSINESS**

**REQUEST TO CREATE LINE ITEMS FOR PARKS DEPARTMENT** If approved, this would create the following line items in the Parks Department Budget: 101-5107-73449 (Donations Recreation Scholar – Rev), 101-5107-73350 (Donations Recreation Scholar – Exp), 101-5107-73551 (Donations Water Safety Scholar – Rev), and 101-5107-73552 (Donations Water Safety Scholar – Exp). The request would also fund 101-5107-73449 at (\$20.00) and 101-5107-73550 at \$20.00. Council member Carry Manuel made a motion to approve the request and was seconded by council member Bob Van Haaren. *The vote was recorded as follows: All present – Yes, and the request was approved.*

**REQUEST TO MAKE BUDGET ADJUSTMENTS TO NINE PARKS DEPARTMENT LINE ITEMS** If approved, this request would make the following adjustments to the Parks Department budget for 2023. The following transactions reflect a net-zero balance of \$43,310.27 removed and added to the various line items:

- Move \$5,87.89 into Ins - Property and Contents (101-5107-21610);
- Move \$1,744.29 into Travel & Training (101-5107-25800);
- Move \$6,331.29 into Computer Operating (101-5107-27310);
- Move \$2,2099.08 into Concessions (101-5107-28790);
- Move \$5,514.11 into Park Development (101-5107-28820);

- Move \$1,863.61 into Office Supplies (101-5107-31650);
- Move \$20,000.00 into Salaries - Part Time (101-5107-11501);
- Move \$36,640.60 from Contract Labor (101-5107-21390); and
- Move \$6,669.67 from Inmate Meals (101-5107-38610).

Council member Bob Van Haaren made a motion to approve the adjustments and drew a second from council member Carry Manuel. *The vote was recorded as follows: All present – Yes, and the request was approved.*

**AN ORDINANCE AMENDING ORDINANCE NO. 2023-14, 2023-06, 2020-19, 2019-19, 2018-11, 2017-8, 2014-10, 2013-10 PERMITTING MUNICIPAL EMPLOYEES AND OFFICIALS TO CONDUCT BUSINESS WITH THE CITY OF MOUNTAIN HOME, ARKANSAS AND PRESCRIBING THE EXTENT OF SUCH AUTHORITY** If approved, this Ordinance would add police officer Josh Evans to the list of municipal employees that do business with the City. Evans is a co-owner of the Mountain Home pawn shop A Classic Pawn and could possibly assist the City in the sale of firearms and ammunition. City attorney Roger Morgan placed the proposed Ordinance on its first reading in its entirety.

**SECOND READING** After the item’s first reading, council member Bob Van Haaren made a motion to suspend the rules and place the Ordinance on its second reading by title only. His motion was seconded by council member Paige Evans. *The vote was recorded as follows: All present – Yes, and the motion was declared passed.*

**THIRD READING** Following the proposed Ordinance’s second reading, council member Bob Van Haaren made a motion to suspend the rules and place the item on its third reading by title only. Council member Jim Bodenhamer seconded the motion. *The vote was recorded as follows: All present – Yes, and the motion was declared passed.*

**ADOPTION** After the item’s third reading, council member Jim Bodenhamer made a motion to adopt the Ordinance and drew a second from council member Bob Van Haaren. *The vote was recorded as follows: All present – Yes, and the Ordinance declared adopted and numbered Ordinance No. 2023-32.*

**AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF A PUBLIC SAFETY CAMERA SYSTEM FROM CRITICAL EDGE OF JONESBORO, ARKANSAS, FOR A SUM OF \$65,000** If approved, this Ordinance would allow the City to waive bids and purchase a traffic camera system from Critical Edge through the national The Interlocal Purchasing System, or TIPS, for \$65,000. The system would place nine traffic cameras around busy Mountain Home intersections (Highway 5 and 62, Highway 62 and Cardinal, Highway 62 and Club Boulevard, Highway 201 and the Sheid-Hopper Bypass, Hospital Drive and Highway 5 N, the west end of the Bypass, the east end of the bypass and Cardinal and Highway 5 S). The cameras could identify license plates or track vehicles of a particular color/make/model, but do not have facial recognition software. The cameras could be used to give authorities a real-time view of an intersection (in the event of an accident) or could be used to search for a particular vehicle in the event of an

Amber Alert, robbery or other situations where finding a specific vehicle is beneficial. The cameras will not be used to enforce speed limits or traffic regulations as Arkansas law prohibits cameras from being used in such a manner. By purchasing the system through TIPS, the City would save about \$21,900 over purchasing the system on the open market.

City attorney Roger Morgan placed the item on its first reading in its entirety. Following a lengthy public comment session and discussion, it was agreed to bring the Ordinance back next month for its second reading.

**APPOINTMENT TO THE MOUNTAIN HOME DEPOSITORY BOARD** Mayor Hillrey Adams announced that he would like to appoint council member Carry Manuel to the City of Mountain Home Depository Board. The board, which is currently defunct, consists of the mayor, finance director and an appointed council member. It serves to supervise the establishment and control of financial accounts. The City is interested in exploring current CD interest rates and other means of increasing the current interest rates the City is already drawing and would need to reconstitute the Depository Board should any changes be required. Council member Bob Van Haaren made a motion to accept the appointment and was seconded by council member Wayne Almond. *The vote was recorded as follows: All present – Yes, the motion was declared passed and Manuel’s appointment to the Depository Board confirmed.*

**7. ADJOURN**

With no further business to come before the council, Mayor Hillrey Adams declared the meeting adjourned at 6:40 p.m.

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**HILLREY ADAMS, MAYOR**

**ATTEST:**

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**SCOTT LILES, CITY CLERK**

# Minutes

## Personnel Committee Meeting: August 29, 2023

**Meeting Purpose:** To review proposed changes to Personnel Policy/Grievance Procedure, Changes to Position Classification Table and proposed new position

**Committee Members:** Committee Chair Carry Manuel, Jennifer Baker, Wayne Almond, and Jim Bodenhamer.

**Officials Present:** Mayor Adams, HR Coordinator Sue Edwards Strop, City Clerk Scott Liles, Council Person Susan Stockton, Director Steve Hill

**Media:** None Present

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The meeting was called to order at approximately 2:00 pm by Chair Carry Manuel.

Director Steve Hill presented a position update, which did not require approval as the position title already exists. Terry Sanders was promoted to “Assistant Director-Plant Operations” with oversight of both the Water Intake Plant and the Wastewater Plant. In part he will be responsible for all regulatory requirements, staffing, budgeting and operations. The positions of “Plant Manager” for each of the facilities will not be filled and the existing “Plant Supervisor” role will be responsible for day-to-day operations at each.

Director Hill also presented a proposal to add a new position to the Water Distribution Warehouse which would be titled “Stores & Maintenance Clerk”. This would replace the current position of “Inventory Clerk-Water” currently filled with an interim employee. The new role will have additional responsibilities in addition to the current including; managing supply inventory, light duty truck maintenance, groundskeeping and landscaping, and facility maintenance. This position will be posted both internally and externally for applicants.

Motion was made by Jim Bodenhamer and seconded by Wayne Almond to approve the new position. Motion passed unanimously.

Sue Edwards Strop presented a change to the Personnel Policy, Sections 6.14 and 6.15 regarding the Grievance procedure. The current policy had little direction on when and how it should be applied. It also included steps that involved both the Personnel Committee and the City Council in decision-making on grievances. After consulting with legal counsel it was determined that allowing these entities to make personnel administrative decisions exposed them to the risk of losing their tort immunity.

The new policy narrows the scope of a grievance to matters involving suspension or termination. Any grievance should be presented through the Human Resource department for appropriate documentation. From there it will go first to the department director for resolution. If the employee still feels that it has not been addressed appropriately it would go to the mayor for his opinion. All decisions of the mayor are final. This plan mirrors several other municipalities throughout the state.

Sue will verify that there are no conflicts with the CLEST accreditation process with Chief Griffin.

Motion was made by Jennifer Baker to accept changes pending PD approval and seconded by Jim Bodenhamer. Motion passed unanimously.

All changes will be presented at the next City Council meeting on Thursday, September 7, 2023.

The meeting adjourned at 2:30 pm.

Respectfully submitted,  
Sue Edwards

**ORDINANCE NO. 2023-xx**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING  
AND AUTHORIZING THE PURCHASE  
OF A PUBLIC SAFETY CAMERA SYSTEM  
FROM CRITICAL EDGE OF JONESBORO, ARKANSAS,  
FOR A SUM OF \$65,000**

**WHEREAS**, The City of Mountain Home Police Department is desirous of purchasing a public safety camera system with analytics and recording; and

**WHEREAS**, the public safety camera system is necessary to provide greater ability to the Mountain Home Police Department in crime-solving for the citizens of Mountain Home.

**NOW, THEREFORE, BE IT ORDAINED  
BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:**

**SECTION 1.** The Mountain Home Police Department desires to purchase a public safety camera system to aid criminal investigators to perform their duties.

**SECTION 2.** The Mountain Home Police Department has researched various systems and believes an Avigilon cloud system provided by Critical Edge would best meet the needs of the City of Mountain Home. The system is not available through state bidding, however the system was available through the national bidding system known as THE INTERLOCAL PURCHASING SYSTEM (TIPS).

**SECTION 3.** That the Mountain Home Police Department is hereby authorized to purchase of video monitoring, analytical, and recording system for a sum not to exceed \$65,000.00 (Sixty-five Thousand Dollars) from Critical Edge located in Jonesboro, Arkansas.

**EMERGENCY CLAUSE** The purchase of a public safety camera system is necessary for Mountain Home Police Department. An emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2023.**

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**HILLREY ADAMS, MAYOR**

**ATTEST:**

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**SCOTT LILES, CITY CLERK**



**2020 Arkansas Code Title 27 – Transportation Subtitle 4 - Motor Vehicular Traffic Chapter 52 - Traffic-Control Devices Subchapter 1 - General Provisions § 27-52-111. Automated enforcement device operated by municipality or department of state government operating within boundaries of municipality – Definitions**

**Universal Citation:** [AR Code § 27-52-111 \(2020\)](#)

- a. (a) As used in this section:
  1. (1) “Automated enforcement device” means a system operated by a municipality or a department of state government that is operating within the boundaries of the municipality that:
    - A. (A) Uses a photo-radar device that is capable of detecting a speeding violation; and
    - B. (B) Photographs or records an image of the vehicle used in committing the violation, the operator of the vehicle, or the license plate of the vehicle; and
  2. (2) “Municipality” means a city of the first class, a city of the second class, or an incorporated town.
- b. (b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a municipality or a department of state government that is operating within the boundaries of the municipality to detect or enforce:
  1. (1) A violation of the traffic laws, rules, or regulations of the State of Arkansas; or
  2. (2) An ordinance of the municipality.
- c. (c)
  1. (1) A municipality or a department of state government that is operating within the boundaries of the municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances:
    - A. (A) In a school zone; or
    - B. (B) At a railroad crossing.
  2. (2) If a municipality or a department of state government that is operating within the boundaries of the municipality uses an automated enforcement device, then a certified law enforcement officer must:
    - A. (A) Be present with the automated enforcement device; and

- B. (B) Issue the citation to the violator at the time and place of the violation.
- d. (d) This section shall not prevent the Arkansas Highway Police Division of the Arkansas Department of Transportation from using automated enforcement devices to enforce state or federal motor carrier laws.

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# MOUNTAIN HOME POLICE DEPARTMENT



<b>700.11</b>	<b>Law Enforcement Public Safety Cameras</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
ALEAP Standard:	
<b>PROPOSED COPY</b>	Potential Date Implemented: 11/01/2023
Authority: /s/ Edward J. Griffin	Review Date:

**I. Purpose:** The purpose of this policy is to regulate the use of Law Enforcement/Public Safety Cameras that will be deployed, operated, maintained, and monitored at locations within this jurisdiction and how images captured by those cameras will be stored, accessed, disseminated and retained.

**II. Policy:** This Department is committed to using Law Enforcement / public safety cameras and images captured by those cameras for lawful and legitimate purposes that will not abridge the privacy and civil rights of any individual and will take measures to ensure that the images collected and stored by these cameras are properly protected from unauthorized access or viewing. Further, this department will put into place security measures and auditing procedures to ensure that protocols are maintained with respect to the accessing of images, utilization of images for investigative and evidential purposes, and the established retention schedule of images collected and stored by these cameras.

**III. General Guidelines:** This department will deploy, operate and maintain fixed mounted camera monitoring systems within its jurisdiction in order to provide and enhance the overall security and safety of its public places. The department public safety camera system may be used for the following purposes including but not limited to: identify criminal activity and suspects, identify and gather evidence in criminal and civil actions, document police actions, safeguard individuals and police officer rights, aid in the search for lost or missing children or adults, assist emergency service personnel when responding to incidents, and assist with the training needs of the department through after action assessments of public safety personnel.

- A.** The public safety camera system will not be used to replace current police techniques. On the contrary, it is to be used to supplement them and assist in the delivery of public

safety services.

- B. The public safety camera system will record twenty-four (24) hours per day, seven (7) days per week, however this department may not monitor the cameras at all time.
- C. The installation of the camera system does not create a special relationship with any specific person or party. This department does not represent that the cameras will prevent or reduce criminal activity in the areas that are monitored.
- D. In all instances, the rights of individuals and the privacy of citizens will be strictly adhered to when utilizing the cameras.

#### IV. Definitions:

**A. Archival Footage:** Archival footage is considered those images captured through the use of cameras of incidents that have occurred in the past.

**B. Department Personnel:** For purposes of this directive, “department personnel” will include police department and public safety personnel.

**C. Evidence Policy:** Evidence Policy shall refer to the department’s property and evidence policy.

**D. Observation:** The word “observation” used in the context of camera operation shall mean real-time viewing and simultaneous recording of live camera images.

**E. Operate:** The word “operate” used in the context of camera operation shall mean using the pan, tilt, or zoom functions of a camera.

**F. Pan, Tilt, and Zoom:** The words “pan,” “tilt,” and “zoom” refer to the manipulation of a camera from a remote site so as to view areas outside of the original image frame or measurably increase the resolution of the images rendered.

**G. Public Places:** The phrase “public places” is defined as an area maintained for or used by the people or the community, or an area that is open to the scrutiny of others.

**H. Public Safety Camera System:** For purposes of this policy, Public Safety Camera System refers to all cameras that are owned, operated, and maintained by the law enforcement department, city or town that are in place to provide general monitoring of and in public places

**I. Recording:** The word “recording” refers to those images that are preserved and stored in the public safety camera system.

**J. Specific Event Recording:** Specific event recording refers to those situations when the activation of a camera is in accordance with this policy as a result of a specific event that is planned for in advance. This term also includes the activation of a camera for unplanned events that will assist in achieving the purpose set forth in the purpose section of this directive.

**K. Sworn Department Personnel:** The term “sworn department personnel” refers to sworn law enforcement officers of this department.

## **V. Procedures:**

### **A. Monitoring**

1. All employees that have been given user access will have the authority to operate the public safety security camera system upon written order.
2. Operators may utilize pan/tilt/zoom capabilities of the public safety security camera system. Any cameras that have been utilized in the pan/tilt/zoom mode must be returned to normal operations upon completion of the operation in pan/tilt/zoom mode.

**B. Retention of Footage:** All public safety camera recordings shall be stored as archival footage for twenty (20) days before being overwritten.

### **C. Retention of Archival Footage:**

- a. Any LPR data that involves a hit from which an enforcement action, an investigation, or a prosecution resulted will be added to the case file and maintained therein until no longer needed.
- b. LPR data kept for the reasons stated above will be destroyed at the conclusion of an investigation that does not result in criminal charges being filed or upon completion of any criminal action undertaken in the matter involving the captured plate data.
- c. The recording has evidentiary value or if the recording has been subpoenaed due to an event which is captured, the recording shall be maintained until all legal action has been resolved.
- d. If a recording is used by the department for training purposes, the recording shall be maintained as a training record for five years.
- e. If the recording is referred to the District Attorney for advice or prosecution, then the recording shall be held for a minimum of six years or final action. The recording shall be maintained for the longer period of time.
- f. If a recording is used in a disciplinary action against an employee, then the recording shall be held for a minimum of three years from the time the employee is no longer employed completion of the disciplinary action and recording will be saved in the Internal Investigation File.
- g. In cases where the movements of persons or things that have been recorded are believed to be evidence of a crime the operator will notify his supervisor and inform him of the captured images. The supervisor shall then review the recording and determine the evidentiary value. If the supervisor determines that the recording should be maintained as evidence, the supervisor shall make a report so that the incident may be copied and maintained as evidence with the case. The copied footage will be forwarded to the appropriate investigative division and investigator to be maintained in the case file.
- h. Evidentiary tapes shall be marked by the supervisor of the public safety

camera system with the corresponding report number and turned over to the investigating officer assigned the case who shall then review the evidence and forward it to the evidence division for custody until such time as the case in question is needed in a court proceeding, reaches disposition or the statute of limitations expires.

- i. Where there is any indication that the recorded event may contain evidence that may be helpful to a suspect's/defendant's defense, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.

## **VI. Retrieval of Archival Footage**

1. Operation Access Code/Certification: In order to operate any public safety security camera it will be necessary to enter an Operation Access Code/Password. The Operation Access Codes/Password will be issued to those members of the Police Department that have been given the prior written permission of the Police Chief or designee to access the public safety camera system. The Police Chief will make the determination.

**ORDINANCE NO: 2023-XX**

**AN ORDINANCE AMENDING ORDINANCE NO. 2023-18, 2022-45,  
2022-32, 2022-21 TO EXPAND AND REDEFINE THE JOB CLASSIFICATION  
AND COMPENSATION PLAN IN ORDER TO ENHANCE  
EFFICIENT MANAGEMENT WITHIN THE DEPARTMENTS  
OF THE CITY OF MOUNTAIN HOME**

**WHEREAS**, the Job Classification and Compensation Plan was adopted in 1996 and has served the City well since that time; and,

**WHEREAS**, the Job Classification and Compensation Plan recommends the classification system be reviewed no less than every three years for continuity and fairness; and,

**WHEREAS**, adjustments need to be made in order to meet the needs of the departments of the City of Mountain Home;

**NOW, THEREFORE, BE IT ORDAINED  
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME:**

**Section 1:** It is in the economic interest of the City of Mountain Home to amend the Job Classification and Compensation Plan as it relates to the following:

“ADDITION OF “STORES & MAINTENANCE CLERK” GRADE 12”.

**Section 2:** That the new positions of Stores & Maintenance Clerk will work under the direction of the Director of Public Works.

**Section 3:** That all other provisions of the Job Classification and Compensation Plan of the City of Mountain Home shall remain in full force and effect unless specifically changed by the provisions of this Ordinance.

**EMERGENCY CLAUSE** The revised Position Classification Table affects the employees of the City departments, who in turn contribute to the safety and welfare of the residents of Mountain Home, Arkansas; therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2023.**

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**HILLREY ADAMS, MAYOR**

**ATTEST:**

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**SCOTT LILES, CITY CLERK**



## Table 4 Position Classifications – 2023

### GRADE 39 – EXEMPT

Director – Fire Services  
 Director – Police Services  
 Director – Parks & Recreation Services  
 Director – Finance and Treasury  
 Director – Public Works  
 Director – Planning & Engineering

### GRADE 37 – EXEMPT

Engineer

### GRADE 36 – EXEMPT

Assistant Police Chief  
 Assistant Fire Chief  
 Assistant Director

### GRADE 18 – EXEMPT

Chief Financial Officer  
 Human Resources Coordinator  
 Manager  
 Building Official

### GRADE 17 – NON-EXEMPT

Chief Deputy Treasurer  
 Chief Court Clerk

### GRADE 16 – NON-EXEMPT

Deputy Treasurer  
 Computer & Software Technician

### GRADE 15 – NON-EXEMPT

Fire Marshal – Fire Department

### GRADE 14 – NON-EXEMPT

Battalion Chief – Fire Department  
 Plant Supervisor  
 Warehouse Supervisor  
 Foreman with Water/Wastewater IV  
 Maintenance Supervisor  
 Buildings Supervisor  
 Grounds Supervisor  
 Inspector – Fire Department  
 CAD Draftsman  
 Office Manager / Inventory Comptroller  
 Patrol Lieutenant  
 SRO Lieutenant  
 CID Lieutenant

### GRADE 13 – NON-EXEMPT

Captain – Fire Department  
 Patrol Sergeant  
 CID Sergeant  
 SRO Sergeant

### GRADE 12 – NON-EXEMPT

Lieutenant – Fire Department  
 Foreman  
 Assistant Supervisor  
 Office Manager  
 Chief Deputy Court Clerk  
 Water/Wastewater IV  
 Operations Manager  
 Youth Center Program Coordinator  
 Recreation Program Coordinator  
 Patrol Corporal  
 CID Corporal  
 SRO Corporal  
 Code Enforcement Officer  
 Stores & Maintenance Clerk

### GRADE 11 – NON-EXEMPT

Engineer – Fire Department  
 Lab Tech  
 Water/Wastewater III  
 Patrol First Class  
 CID First Class  
 School Resource Officer First Class

### GRADE 10 – NON-EXEMPT

Firefighter  
 Plumbing Inspector  
 Patrol Officer  
 Probation Officer / Work Release Coordinator  
 Equipment Operator  
 Concrete Finisher  
 Mechanic  
 Maintenance Operator  
 Communications Supervisor, Sergeant  
 CID Investigator  
 School Resource Officer

### GRADE 9 – NON-EXEMPT

Mayor's Secretary  
 Apprentice Operator / Water Treatment/Sewer Treatment  
 Communications Supervisor, Corporal

## Table 4 Position Classifications – 2023

### GRADE 8 – NON-EXEMPT (CONT. PG.2)

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Secretary  
Administrative Secretary  
District Court Clerk  
Billing Clerk  
Communications Officer  
Communications Officer/Secretary  
Maintenance & Building Coordinator  
Inventory Clerk  
Meter Maintenance  
Laborer/Truck Driver With CDL

### GRADE 7 – NON-EXEMPT

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Facility Maintenance

### GRADE 6 – NON-EXEMPT

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Clerk / Receptionist  
Laborer

### TABLE II

#### Position Classifications - 2023

#### Part-Time / Seasonal

### GRADE 5

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Code Enforcement Officer  
Pool Manager  
Patrol Officer

### GRADE 4

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Assistant Pool Manager

### GRADE 3

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Radio Dispatcher

### GRADE 2

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Clerk/Receptionist  
Lifeguard II  
Recreation Aide II  
Laborer II

### GRADE 1

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Lifeguard I  
Laborer I  
Recreation Aide I

## ORDINANCE NO. 2023-XX

### AN ORDINANCE AMENDING CHAPTER 6, SECTIONS 6.14 AND 6.15 OF THE PERSONNEL POLICY HANDBOOK FOR THE CITY OF MOUNTAIN HOME; AS ADOPTED BY ORDINANCE NO. 2006-16

**WHEREAS**, a Personnel Policy Handbook was adopted by Ordinance No. 2006-16 on August 17, 2006, and has gone through numerous revisions; and

**WHEREAS**, the Personnel Policy Handbook needs to be brought up to date with current laws to meet the needs of the departments of the City of Mountain Home;

### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

**Section 1:** Chapter 6; Section 6.14; Page 28; under “Disciplinary Action”: **Change** the verbiage under “Suspension” to define who may approve a suspension and the results if a suspension is found to be without cause or merit:

“**Suspension** -- Suspension involves the removal of an employee from his or her job. An employee, with the concurrence of the mayor, may be suspended with or without pay pending investigation. Notice of suspension and the reasons will be given to the employee in writing and the suspension will begin immediately. If the suspension is deemed to be without sufficient cause or without merit, the employee shall receive back pay for any days not worked.”

**Section 2:** Chapter 6; Section 6.15; Page 29; under “Procedure for Review of Disciplinary Action”: **Replace** the Appeal Procedure with a new procedure:

#### **“6.15 – PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION**

##### **Appeal Procedure**

The City of Mountain Home has an appeal procedure for employees to appeal suspensions and terminations. The appeal process is only for suspensions and terminations. Oral or written reprimands cannot be appealed, but the employee may choose to have a written rebuttal attached to a written reprimand that will be placed in their personnel file.

The appeal procedure shall be enacted within five (5) City business days of the occurrence of said problem or concern of the employee. If said employee fails to file the appeal within five (5) City business days of the occurrence or concern, said appeal shall thereafter be barred.

- **STEP ONE** An employee appeal should first be presented (in writing) to the HR department within five (5) City business days of the incident resulting in the complaint. The Director of the department will have five (5) City business days to respond. If the issue is not resolved at this step, the employee may go to Step Two.
- **STEP TWO** The employee complaint should be presented (in writing) to the HR department within five (5) City business days of the receipt of the Director’s response. The Mayor will have five (5) City business days to respond. The decision of the mayor will be final.”

**Section 3:** The current version of the Personnel Policy handbook is hereby replaced by the attached “Exhibit A” and shall remain in full force and effect unless specifically changed by ordinance.

**EMERGENCY CLAUSE:** The revised Personnel Policy Handbook affects the employees of the City Departments, who in turn contribute to the safety and welfare of the residents of Mountain Home, Arkansas; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2023.**

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**HILLREY ADAMS, MAYOR**

**ATTEST:**

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**SCOTT LILES, CITY CLERK**

## CHAPTER 1 – GENERAL POLICIES

- 1.1 – PURPOSE
- 1.2 – SCOPE
- 1.3 – DEFINITIONS
- 1.4 – AMENDMENTS AND REVISIONS
- 1.5 – DISTRIBUTION LIST

### **CHAPTER 2 – EQUAL EMPLOYMENT OPPORTUNITY**

- 2.1 – EQUAL OPPORTUNITY EMPLOYER
- 2.2 – AMERICANS WITH DISABILITIES ACT
- 2.3 – UNLAWFUL DISCRIMINATION AND HARASSMENT
  - 2.3.1 – POLICY
  - 2.3.2 – PROHIBITED CONDUCT DEFINED
  - 2.3.3 – DISCRIMINATION AND HARASSMENT GENERALLY
  - 2.3.4 – SEXUAL HARASSMENT
  - 2.3.5 – BULLYING
- 2.4 – COMPLAINT REPORTING AND INVESTIGATION
  - 2.4.1 – COMPLAINT PROCEDURES
  - 2.4.2 – RETALIATION
  - 2.4.3 – FALSE ACCUSATIONS

### **CHAPTER 3 – GENERAL EMPLOYMENT POLICIES**

- 3.1 – AT-WILL EMPLOYER
- 3.2 – AUTHORITY TO HIRE AND FIRE
- 3.3 – JOB POSTING AND ADVERTISING
- 3.4 – EMPLOYMENT APPLICATIONS AND RESUMES
- 3.5 – POST- OFFER PRE-EMPLOYMENT PHYSICALS
- 3.6 – FITNESS FOR DUTY EXAM
- 3.7 – THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991
- 3.8 – DRUG AND ALCOHOL TESTING
  - 3.8.1 – FITNESS FOR DUTY
  - 3.8.2 – NOTIFICATION
- 3.9 – GENETIC INFORMATION.

### **CHAPTER 4 – COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS**

- 4.1 – ATTENDANCE
- 4.2 – WORK HOURS / LUNCH TIME / BREAK TIME
- 4.3 – UNAUTHORIZED WORK TIME
- 4.4 – COMPENSATION
  - 4.4.1 – REPORTING AND VERIFYING HOURS WORKED
  - 4.4.2 – PAYROLL RECORDS
  - 4.4.3 – PAYROLL PROCEDURES AND PAYDAY
  - 4.4.4 – WITHHOLDING OF MEMBERSHIP DUES
- 4.5 – SALARY BASIS POLICY
  - 4.5.1 – SALARY BASIS REQUIREMENT
  - 4.5.2 – CIRCUMSTANCES IN WHICH THE CITY MAY MAKE DEDUCTIONS FROM PAY
  - 4.5.3 – CITY POLICY: IMPROPER DEDUCTIONS
  - 4.5.4 – WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS
- 4.6 – OVERTIME AND COMPENSATORY TIME
  - 4.6.1 – OVERTIME
  - 4.6.2 – COMPENSATORY TIME
- 4.6.3 – NON-EXEMPT AND EXEMPT EMPLOYEES
- 4.7 – EMERGENCY SITUATIONS
- 4.8 – TEMPORARY AND SEASONAL EMPLOYEES
- 4.9 – VACANCIES AND PROMOTIONS
- 4.10 – TRAINING
- 4.11 – PERFORMANCE EVALUATIONS
- 4.12 – JOB SAFETY
- 4.13 – REFUSAL TO WORK
- 4.14 – RESIGNATION / TERMINATION
- 4.15 – EXIT INTERVIEWS
- 4.16 – JOB DESCRIPTIONS

### **CHAPTER 5 – BENEFITS: PENSION INFORMATION & BUSINESS / PERSONAL, VACATION, SICK & OTHER TYPES OF LEAVE**

- 5.1 – VACATIONS

# CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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- 5.1.1 – UNIFORM PERSONNEL – POLICE DEPARTMENT
- 5.1.2 – UNIFORM PERSONNEL – FIRE DEPARTMENT
- 5.1.3 – NON-UNIFORMED EMPLOYEES – VACATION TIME
- 5.1.4 – VACATION ACCRUAL RATE
- 5.1.5 – SCHEDULING VACATIONS
- 5.2 – HOLIDAYS AND HOLIDAY PAY
- 5.3 – SICK LEAVE
- 5.3.1 – UNIFORM PERSONNEL – POLICE DEPARTMENT
- 5.3.2 – UNIFORM PERSONNEL – FIRE DEPARTMENT
- 5.3.3 – NON-UNIFORMED EMPLOYEES
- 5.4 – FUNERAL OR BEREAVEMENT LEAVE
- 5.5 – MATERNITY LEAVE
- 5.6 – MILITARY LEAVE / UNIFORMED SERVICES
- 5.7 – FAMILY MEDICAL LEAVE
- 5.7.1 – FMLA ELIGIBILITY
- 5.7.2 – CALCULATION OF LEAVE
- 5.7.3 – USE OF PAID TIME OFF BENEFITS
- 5.7.4 – INTERMITTENT OR REDUCED LEAVE
- 5.7.5 – NOTIFICATION
- 5.7.6 – LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY
- 5.7.7 – JOB RESTORATION
- 5.7.8 – EMPLOYEE BENEFITS
- 5.7.9 – CERTIFICATION
- 5.7.10 – RELEASE TO RETURN TO WORK
- 5.7.11 – DISPUTE RESOLUTION
- 5.8 – LEAVE FOR WITNESS OR JURY DUTY
- 5.9 – MISCELLANEOUS LEAVE
- 5.10 – EMPLOYEE HEALTH BENEFITS
- 5.11 – OCCUPATIONAL INJURIES
- 5.12 – ACCIDENTAL INJURY

## **CHAPTER 6 – STANDARDS OF CONDUCT**

- 6.1 – COMMUNICATING WITH THE PUBLIC
- 6.1.1 – COMMUNICATING ON BEHALF OF THE CITY
- 6.1.2 – HANDLING REQUESTS FOR INFORMATION PURSUANT TO FOIA
- 6.1.3 – HANDLING MEDIA REQUESTS
- 6.2 – PERSONAL COMMUNICATIONS
- 6.3 – UNIFORMS AND PERSONAL APPEARANCE
- 6.4 – GUIDELINES FOR APPROPRIATE CONDUCT
- 6.5 – ABSENTEEISM AND TARDINESS
- 6.6 – OUTSIDE EMPLOYMENT OR MOONLIGHTING
- 6.7 – VOTING
- 6.8 – USE OF NARCOTICS, ALCOHOL AND TOBACCO
- 6.9 – DRUG-FREE WORKPLACE
- 6.10 – USE OF CITY ASSETS AND RESOURCES
- 6.10.1 – TELEPHONES
- 6.10.2 – COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES
- 6.10.3 – INTERNET ACCESS
- 6.10.4 – ELECTRONIC MAIL AND CONFIDENTIALITY
- 6.10.5 – REMOVAL OF CITY PROPERTY
- 6.10.6 – USE OF PRIVATELY-OWNED ELECTRONIC COMMUNICATIONS EQUIPMENT FOR PUBLIC JOB RELATED PURPOSES
- 6.11 – WAIVER OF PRIVACY
- 6.12 – CITY VEHICLES
- 6.13 – POLITICAL CAMPAIGNS
- 6.14 – DISCIPLINARY ACTION
- 6.15 – PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION

## **CHAPTER 7 – MISCELLANEOUS INFORMATION**

- 7.1 – POLICY STATEMENT
- 7.2 – CONFLICTS
- 7.3 – SEVERABILITY
- 7.4 – POLICY CHANGES
- 7.5 – CHANGE OF ADDRESS

## **CHAPTER 8 – FORMS: APPENDIX A**

## CHAPTER 1 – GENERAL POLICIES

### 1.1 – PURPOSE

This Personnel Handbook contains policies, practices and procedures that are necessary to implement and administer the City's personnel system. By adopting this handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures. This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, 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 your department director. 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 Mountain Home is an at-will employer under law and nothing in this handbook shall waive the City's at-will status.

### 1.2 – SCOPE

All employees of the City of Mountain Home are subject to the application of the personnel policies and procedures described in this handbook.

### 1.3 – DEFINITIONS

- **DESIGNATED CAREGIVER**—Employee who has agreed to assist a physically disabled qualifying patient with the medical use of marijuana, and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.
- **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 board, commission or authority, or any person performing services for the city on the basis of a service contract, retainer, or prescribed fee.
- **EXEMPT EMPLOYEE**—Employee who is not eligible for overtime or compensatory time as defined by the Fair Labor Standards Act (FLSA).
- **FULL-TIME EMPLOYEE**—Employee who is regularly scheduled to work in a position that has daily, weekly, and monthly hours as established by the City for full-time work.
- **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, grandchildren, and spouse's immediate family. However, with respect to FMLA leave, “immediate family” means spouse, child, or parent—but not a parent “in-law” with a serious health condition.
- **NON-EXEMPT EMPLOYEE**—Employee who is eligible for overtime compensation or compensatory time off as defined by the FLSA.
- **OVERTIME**—Hours worked in excess of 40 hours during a regular work week. For firefighters, hours worked in excess of 53/week or 159 hours during a 21-day work period; for law enforcement officers, hours worked in excess of 86 hours during a 14-day work period.
- **PART-TIME EMPLOYEE**—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.
- **QUALIFYING PATIENT**—Employee who has been diagnosed by a physician as having a qualifying medical condition and who has registered with the Department of Health under the Arkansas Medical Marijuana Amendment.
- **SUPERVISOR**—Person who has been designated to oversee other employees in a department.
- **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.
- **WORK WEEK**—Seven (7) day period beginning with employee's shift on Monday and closing at the end of the employee's shift on Sunday, except for police officers and firefighters and any other employees specifically excluded from this provision by the terms of this handbook.

### 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 Mountain Home 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 personnel policy manuals 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 Mountain Home provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race; color; religion; sex; national origin; 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 protected by the equal protection clause or other provision of the United States or Arkansas Constitution; or other applicable federal, state, and local laws. The City's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfers, leave of absence, compensation, discipline, and training.

### **2.2 – AMERICANS WITH DISABILITIES ACT**

The City of Mountain Home abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the department director.

### **2.3 – UNLAWFUL DISCRIMINATION AND HARASSMENT**

#### **2.3.1 – POLICY**

The City of Mountain Home expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, on grounds such as those listed in paragraph 2.1 of this policy or any other ground protected by state or federal constitutions or laws. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated. Neither will workplace retaliation against someone for having complained of harassment.

#### **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 to that employee's objection or detriment, because of the employee's membership in any legally protected class or for some other trait the employee was born with (i.e., race, color, religion, sex, national origin, age, genetic information, political status, marital status, or status as a veteran or 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 protected class harassment regardless of whether the harasser is a co-worker, supervisor, citizen, or any other person with whom the employee's job brings him/her into contact:

- 1) Racial harassment
- 2) Harassment due to religion or views concerning religion
- 3) Harassment due to national origin
- 4) Sexual harassment (gender neutral)
- 5) Harassment due to age of employees who are at least 40 years old
- 6) Harassment because of disability or perceived disability
- 7) Harassment based on color
- 8) 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, innuendos, unwelcome compliments, pictures, cartoons, pranks, or other verbal or physical conduct, including but not limited to the following actions:

- 1) Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, unwanted sexual invitations, or negative comments because of the employee's protected class membership;
- 2) Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interferences with the work directed at an individual because of the employee's protected status;
- 3) Displaying or distributing offensive materials. This includes derogatory or sexual posters, cartoons, emails, calendars, magazines, drawings, or gestures;
- 4) Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
- 5) Unwanted, intentional physical contact, whether it be of a sexual or other nature;
- 6) Making protected status innuendos;
- 7) Requesting favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment;



- 8) Gender-based harassment, including sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions; and/or
- 9) Retaliation for having reported harassment.
- 10) Discrimination or harassment based upon a person's protected status is prohibited by federal and state anti-discrimination laws and violates city policy where it:
  - 11) Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
  - 12) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - 13) Otherwise unreasonably and adversely affects an individual employment opportunity.

### 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 Mountain Home has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated. The City of Mountain Home 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 conversation 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:

- 1) Submission to the conduct is either explicitly or implicitly a term or condition of employment;
- 2) Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual; and/or
- 3) 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:

- 1) 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;
- 2) Inappropriate visual contact including leering, obscene gestures, and staring;
- 3) Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's individual work station;
- 4) Unwelcome verbal behavior, such as comments, suggestions, jokes, demeaning remarks, insults, requests, sexual innuendo, suggestive statements, slurs, or other derogatory remarks based on sex;
- 5) Unwelcome or invasive flirting;
- 6) Continued requests for dates and propositioning an individual; and/or
- 7) Unwanted sexual advances, requests or pressure for 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, 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 Mountain Home has a business, service, or professional relationship, including vendors and clients, is prohibited and will not be tolerated. Bullying conduct includes:

- 1) Threatening, humiliating or intimidating behaviors.
- 2) Work interference/sabotage that prevents work from getting done.
- 3) Verbal abuse.

Such behavior violates the City of Mountain Home's standards of conduct/employment policies, which clearly state that all employees will be treated with dignity and respect.

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

- 1) 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.
- 2) Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- 3) Gesture bullying: Nonverbal gestures that can convey threatening messages.
- 4) Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

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

- 1) Persistent singling out of one person.
- 2) Shouting or raising one's voice at an individual in public or in private.
- 3) Using obscene or intimidating gestures.
- 4) Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- 5) Personal insults and use of offensive nicknames.

- 6) Public humiliation in any form.
- 7) Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- 8) Public reprimands.
- 9) Repeatedly accusing someone of errors that cannot be documented.
- 10) Deliberately interfering with mail and other communications.
- 11) Spreading rumors and gossip regarding individuals.
- 12) Encouraging others to disregard a supervisor's instructions.
- 13) Manipulating the ability of someone to do his or her work (e.g., overloading, under-loading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- 14) Assigning menial tasks not in keeping with the normal responsibilities of the job.
- 15) Taking credit for another person's ideas.
- 16) Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- 17) Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- 18) Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

### **2.4 – COMPLAINT REPORTING AND INVESTIGATION**

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

- 1) Determine if the conduct alleged in the complaint took place and constitutes harassment that violates federal and/or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy.
- 2) Stop the offending behavior.
- 3) Restore the complainant's working environment.
- 4) Take steps to prevent retaliation and repetition of the harassment.
- 5) Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

#### **2.4.1 – COMPLAINT PROCEDURES**

It is every employee's and official's responsibility to ensure that his or her conduct does not constitute harassment in any form. If, however, harassment or suspected harassment has or is taking place:

- 1) An employee must immediately report the harassment or suspected harassment, in writing, to the immediate supervisor. If the immediate supervisor is the source of the alleged harassment, or, is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the department director. If the department director is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to 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 to fail 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 department head who learns of or receives a complaint of 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 next highest authority.
- 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 appropriate authority for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the 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 harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The City of Mountain Home will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged 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 subjected 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 is the case of someone proven to be harassing others—would result in appropriate disciplinary action.

## **CHAPTER 3 – GENERAL EMPLOYMENT POLICIES**

### **3.1 – AT-WILL EMPLOYER**

The City of Mountain Home is an at-will employer. This means that the City of Mountain Home 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 or her intent to discontinue the employment relationship. 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. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

### **3.2 – AUTHORITY TO HIRE AND FIRE**

Authority to hire and fire is vested in the mayor and / or his/her designated representative.

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

The City of Mountain Home attempts to attract highly capable and reliable individuals for the public's service. Appointments to positions with the City shall be made solely on the basis of merit and fitness for the position. Merit and fitness are defined as education and improvements, working habits and attitudes, all of which will be considered for positions and promotions.

The Mayor shall establish the number of City employees with the advice and recommendation of department directors. The Mayor may authorize interim positions created or funded by federal, state or county funds. No elected official or department director may hire a family member to a full-time position directly or indirectly responsible to said official. Family member shall include spouse, parents, children, grandchildren, brothers and sisters.

The Department Directors will notify the Mayor's Office immediately of all position vacancies. The City of Mountain Home believes in promoting employees from within the organization. The City has established a job-posting program to give all employees an opportunity to apply for positions in which they are interested and for which they are qualified, although the City reserves its discretionary right to not post a particular job opening. Vacancies below the Department Director level are normally posted on designated bulletin boards within each department. Positions are normally posted internally for five days; and may be posted concurrently to the public. In accordance with equal opportunity employment guidelines and this manual, notice of job vacancies may be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided along with the job notice.

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the City. Applications will be accepted only for open positions. Application forms are available in the office of department directors. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from City employment.

In the event of a job opening, the position or positions open will be announced and posted with Arkansas Workforce, on the City website and on City bulletin boards at least ten (10) days prior (if possible) to the deadline for receiving applications. It will be the director's discretion whether to advertise through the local newspaper or on local radio. Copies of the job announcement will be distributed to City departments and as appropriate, may be distributed to public and private employment agencies, local newspapers, and other sources that might recruit applicants. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications. Applications for full-time City employment will not be accepted from anyone under eighteen (18) years of age. Except 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 APPLICATIONS AND RESUMES**

The City of Mountain Home 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 misrepresentations, falsifications, or material omissions in any of this information may 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. Before the City of Mountain Home extends an offer of employment, a reference check/background investigation on the final candidate(s) will be conducted. Parts of the reference check/background investigation duties may be shared with the affected department. The check may include verification of employment duties, dates of employment, work record, attendance record, criminal check, safety

record and other pertinent information. No reference check/background investigation will be conducted without having the applicant sign a release of information agreement.

Employee Orientation: On the first day of employment the department director or assigned supervisor will meet with the new employee for orientation to the job.

### **3.5 – POST- OFFER PRE-EMPLOYMENT PHYSICALS**

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a regular, non-seasonal employment position. Such examinations shall be paid for by the City. The examinations shall be performed by licensed physicians selected by the City of Mountain Home. A summary report of the examining physician shall be provided to 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. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to Human Resources to be kept in a confidential medical file apart from the individual's personnel file. The City may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations, 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.

### **3.6 – FITNESS FOR DUTY EXAM**

Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation, or who pose a direct safety threat to themselves or others shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the director shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied.

### **3.7 – THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991**

It is the City of Mountain Home'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, return-to-duty, and, follow-up testing. The City of Mountain Home 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 Mountain Home 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.

### **3.8 – DRUG AND ALCOHOL TESTING**

The City of Mountain Home 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.

Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances outlined in the City's policy on this subject. All employees must obtain from the City of Mountain Home the City's written Policy for a Drug-Free Workplace. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the policy.

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 Mountain Home prohibits the possession, smoking, or otherwise use of medical marijuana on city premises. The City of Mountain Home 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.

## **3.8.1 – 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.

## **3.8.2 – 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.

## **3.9 – 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."

## **CHAPTER 4 – COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS**

The obligations herein apply to all employees. This listing may be augmented by department rules and/or employee's specific job description. These obligations serve as the basis for evaluation and disciplinary action.

A personnel file on each employee containing the following will be kept in the office of Human Resources:

1. Job Application
2. Job Description
3. New-hire paperwork
4. City Policy Acknowledgements
5. Tax Forms
6. Professional Certifications (as required for position) and / or Certificates of training
7. Employee Evaluations
8. Personnel Actions
9. Disciplinary Actions
10. Termination Report

Other pertinent information may be included in the employee's personnel file. The employee shall sign to acknowledge any information placed in the personnel file.

Each employee or his/her designated agent, with written authorization, has the right to review any and all information in his/her personnel file in the presence of Human Resources, the Mayor, or department director. Members of the City Council will, in the presence of Human Resources, the Mayor, have access to personnel files only when the City Council is involved in a grievance or disciplinary hearing of an employee.

## **4.1 – ATTENDANCE**

Employees shall be in attendance at their workstations in accordance with the rules and regulations established by the department director. Regular and punctual attendance is an essential job duty for every employee with the City. Employees are expected to be at work every scheduled workday. All absences must conform to procedures outlined in the sections on leave in this policy book.

## **4.2 – WORK HOURS / LUNCH TIME / BREAK TIME**

A full-time City employee will work a minimum of thirty-five (35) hours per week. Department directors are responsible for scheduling employees' hours worked and days off.

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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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 to meet specific departmental needs. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations. See section 4.6.1 Overtime with regard to established work periods for Police and Fire personnel.

Departments may vary employee's schedules based upon departmental necessity. The standard work week is Monday through Sunday. Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the department director. 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 Mountain Home. In an emergency, previously scheduled hours of work, days of work, and work arrangements may be altered at the discretion of the department director or the mayor. Changes in work schedules will be announced as far in advance as practicable, but can be changed with little or no notice.

Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided. Each employee is allowed two 15-minute breaks as a part of each work shift. All breaks must be taken at the work site. Maximum lunch break is one hour and does not count as part of the shift. Supervisors will specify times during each shift for employee breaks and lunch.

### **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. On whatever day a shift begins and extends past midnight, all of the time worked for that shift shall be recorded on the day the employee began the shift. For example: An employee's shift begins at 6:00 pm Sunday and ends at 6:00 am Monday. The entire 12 hours worked for that employee's shift shall be recorded on Sunday on the timesheet. Payroll checks will be issued on Thursday following the end of the pay period. Time records are to be kept daily by each employee. Electronic timesheets will be verified daily by the supervisor and signed at the end of each pay period by the department director.

All employees shall report their hours worked by utilizing the time and attendance system assigned by the department director. It is the responsibility of each employee to properly use the system as directed. All employees must submit their time worked each pay period to their supervisor for approval and payroll processing. The supervisors shall forward the same to the director in a timely manner to ensure that proper records are kept as to time worked and any leave taken.

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 electronically verifying and submitting by the Monday morning of a payroll week. If for any reason the employee is unable to use the electronic timesheet verification the supervisor may print a timesheet and have the employee sign at the earliest opportunity. All paper timesheets must be turned in to the HR office to place in the permanent file of the employee. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in the Monday morning following the end of the pay period to their supervisors for signatures. The supervisors shall forward the same to the treasurer's office in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked, and overtime accrued and taken.

#### **4.4.2 – PAYROLL RECORDS**

The treasurer's office shall keep and maintain a record of hours worked, 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 head, 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 two weeks. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday. Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that 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 the treasurer's office. Payroll checks will be issued on Thursday following the end of the pay period.

#### **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. Currently, 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 (as of the date of this policy) per week. FLSA salary thresholds shall be applied as they are changed by law. 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: IMPROPER DEDUCTIONS**

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 the treasurer's office. 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 supervisor 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.

Overtime for Firefighters and Police Officers shall be calculated in accordance with the Fair Labor Standards work period basis as established by the City. (See Sections 1.3 Definitions and 4.2 regarding Work Hours)

- Exception 1: Any overtime which is reimbursed to the City at the 1 ½ rate of pay for straight time (e.g. contract time or grant reimbursement) shall be passed on to the employee working the overtime.
- Exception 2: After hours or after shift call-out time for temporary duty (not the regular shift) shall be paid at 1 ½ times the employee's regular rate of pay.

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

Fire personnel will be paid a minimum of one (1) hour for call back time. Off duty police personnel will be allowed a minimum of two (2) hours compensation for each court appearance. All other hourly employees will be paid a minimum of two (2) hours for call back time. Any full-time employee who regularly works scheduled evenings and night shifts shall receive shift differential pay.

<u>Shift</u>	<u>Pay Premium</u>
Second Shift	\$ .40/ hour
Third Shift	\$ .50/hour
12-Hour Night Shift	\$ .50/ hour
Exception	Employees who work a twenty-four hour shift are excluded from receiving shift differential 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 160 hours and no uniformed employee may accumulate more than 160 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 City of Mountain Home 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 160 hours of leave time, the City may require the employee to take compensatory leave as determined by the department director.

### **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 complete closure of City offices. Such situations shall be determined by the Mayor after consideration of all facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

The decision to close will be broadcast as early as possible in the day over local radio stations. Employees should listen to radio broadcasts during periods of inclement weather for an announcement of a full day closing or late opening.

For the purposes of compensation, employees affected by the closing of City offices for **the entire day** may choose to take the day as vacation, personal, unpaid or may utilize comp time.

Should city offices remain open with limited staff, affected employees who choose to stay home (due to hazardous conditions) will be required to use vacation, personal, unpaid leave or comp time for that day.

At times it may become necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be at the sole discretion of 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 six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the city council, temporary and seasonal employees do not qualify for annual leave, sick leave, or other City benefits.



## **4.9 – VACANCIES AND PROMOTIONS**

It is the intent of the City of Mountain Home to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Mountain Home an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards. In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies may be sent to the appropriate news media and employment agencies throughout the relevant labor market. 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.

## **4.10 – TRAINING**

The City of Mountain Home 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 head. 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.

Informal evaluation of an employee's work is a continuing process. Formal evaluation shall be conducted every six months for three (3) years or until step six is reached, after which the department director will complete an annual written evaluation. Evaluation will be completed two (2) weeks before the employee's evaluation due date. The City Treasurer will be responsible for furnishing to each supervisor, anniversary dates for all department employees, with a copy to Human Resources.

The purposes for formal evaluation are:

- 1) Departmental effectiveness: Performance evaluation is intended to result in higher levels of operating effectiveness. It identifies the level at which activities are carried out and identifies the individual contributions toward these achievements.
- 2) Promotions: The evaluation reports will provide direct assistance in identifying employees who should be encouraged to assume greater responsibility through promotion within their department. By the same token, these ratings will assist in determining if any employee is currently assigned above his/her level of competence and should have his/her responsibility reduced through demotion or eliminated through dismissal.
- 3) Demotion: Reduction of pay and title or position.

The Department Director or his/her designated representative has primary responsibility for scheduling and completing evaluation reports. The department director or his/her designated representative shall complete a written evaluation report on the employee's performance and meet with the employee to discuss this report. This report shall contain specifically the duties and objectives of the employee's job and thoroughly cover the employee's performance, both good and bad, in his/her position. Based upon the substance of the report, the evaluating supervisor will prepare a list of specific actions to be taken by the employee to improve those areas designated as less than satisfactory. The evaluation report for the following year will include an appraisal of these corrective measures.

The department director will send completed evaluation reports to Human Resources who will double check the employee information and forward to the Mayor who will review and sign the reports. This completed report and any written comments by either the employee or the department director, will be entered in the employee's personnel file.

## **JOB CLASSIFICATION AND COMPENSATION PLAN GUIDELINES:**

The City of Mountain Home established a Job Classification and Compensation Plan for all employees on a pay scale in an effort to create continuity and fairness. The Classification Plan and Wage Scale are passed by ordinance and are not a part of this manual to allow for position and wage changes. A copy of the current wage scale can be obtained in Human Resources.

To receive a step increase the employee must:

- 1) Receive a satisfactory performance evaluation; and, complete the required time between steps.
- 2) Final determination on awarding the step increase will be made by the Mayor.

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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- 3) A new employee's experience in the field into which he/she is being hired may be considered when determining placement on the wage scale.
- 4) The Department Director will be responsible for making sure that new employees are placed on the payroll at the base pay for their grade. If the Director elects to grant steps for experience, he/she will notify the Mayor of the circumstances in writing.
- 5) Existing employees may be increased one step with the Director's approval and a satisfactory performance evaluation. Two steps may be given with proper justification and the approval of the Director and the Mayor.
- 6) Request for grade change of a position will require review by the Personnel Committee and approval by the Council.

### **4.12 – JOB SAFETY**

The City of Mountain Home 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 head for the correct method.

Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- 1) Follow all departmental safety rules.
- 2) Use all mechanical safeguards on or for employee equipment.
- 3) Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
- 4) Immediately report any unsafe or potentially unsafe working condition or equipment.
- 5) Immediately report any and every accident to the supervisor or department head.

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 Mountain Home as allowed by federal, state, and local law.

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

Employees who wish to terminate their employment with the City of Mountain Home 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 Mountain Home are on an at-will basis. Thus, although the City of Mountain Home 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 with the Director and/or the HR Coordinator 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 department director to 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. A copy of all job descriptions will also be kept in Human Resources.

## **CHAPTER 5 – BENEFITS: PENSION & BUSINESS / PERSONAL, VACATION, SICK & OTHER TYPES OF LEAVE**

After the first year of employment, a full-time employee is allowed two (2) days or two shifts per year to take care of business or critical personal situations that cannot be taken care of during non-working hours. The employee must notify his/her shift supervisor of the absence and anticipated length of the absence (not less than half a day) as soon as possible but not later than four (4) hours before time the employee intends to begin his/her personal business leave.

### Pension

- 1) The pension plan for the Fire Department personnel is administered through LOPFI, (see Fire Chief for information).
- 2) The pension plan for the Police Department personnel is administered through LOPFI, (see the Police Chief for information).
- 3) For all other employees, the pension plan is administered through APERS, (see Human Resources for information).

**Employees must notify directors and Human Resources of the intention to retire or begin participation in the LOPFI or APERS DROP.**

## **5.1 – VACATIONS**

### **5.1.1 – UNIFORM PERSONNEL – POLICE DEPARTMENT**

Pursuant to Ark. Code Ann. § 14-52-106, each police officer shall be granted a minimum accrual of an annual vacation of not less than fifteen (15) working days with full pay. All law enforcement officers 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.

All police officers and non-shift firefighters shall receive one hundred twenty (120) hours paid vacation at the completion of one full year of continuous employment. At the beginning of ten (10) years of service, they will become eligible for one hundred sixty (160) hours of vacation. At the beginning of fifteen (15) years of service they will become eligible for two hundred (200) hours paid vacation.

### **5.1.2 – UNIFORM PERSONNEL – FIRE DEPARTMENT**

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

All Fire Department shift personnel hired prior to January 1, 2000 shall receive two hundred sixteen (216) hours paid vacation after one full year of continuous employment. At the beginning of ten (10) years of service, they will be eligible for two hundred eighty-eight (288) hours paid vacation. At the beginning of fifteen (15) years of service, they will become eligible for three hundred sixty (360) hours paid vacation.

All Fire Department shift personnel hired on or after January 1, 2000 shall receive one hundred sixty-eight (168) hours paid vacation at the completion of one full year of continuous employment. At the beginning of ten (10) years of service they will become eligible for two hundred forty (240) hours vacation. At the beginning of fifteen (15) years of service, they will become eligible for three hundred twelve (312) hours paid vacation.

### **5.1.3 – NON-UNIFORMED EMPLOYEES – VACATION TIME**

Each full-time employee is eligible for eighty (80) hours paid vacation after one full year of continuous employment unless otherwise specified. At the completion of five years of service, the employee will continue to accrue an additional eight hours per year, not to exceed one-hundred twenty (120) hours prior to the eleventh (11<sup>th</sup>) year anniversary. At the completion of ten (10) years of service, the employee will continue to accrue an additional eight (8) hours per year, not to exceed one hundred sixty (160) hours vacation. 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.

All Police Department dispatchers shall receive one hundred twenty (120) hours paid vacation at the completion of one full year continuous employment. At the beginning of ten (10) years of service, they will become eligible for one hundred sixty (160) hours of vacation. At the beginning of fifteen (15) years of service, they will become eligible for two hundred (200) hours vacation.

### **5.1.4 – VACATION ACCRUAL RATE**

Beginning January 1<sup>st</sup>, 2012, vacation leave shall be earned and accrued on a monthly basis. Effective with the 2011 carry-over, the amount of vacation employees shall be allowed to carry over at the end of the year shall not exceed the employee's current rate of annual accrual. Accrued vacation time will be paid after an employee completes one continuous full year of service if the employee leaves the employment of the city. Policies concerning vacation time for non-uniformed employees in no way alter the City of Mountain Home's at-will employment policy as described in this personnel handbook. 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.

## 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 in to the overall scheduling of the department. The Directors will set the amount of time required for advance notice employees will give before being absent on vacation leave. The permissible number of employees taking vacation at any one time will be governed as determined 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. The department director 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.

Directors will coordinate their department's vacation schedule. Conflicting date requests will be granted on the basis of seniority. Seniority "bumping" of another employee whose vacation days are already scheduled and approved by the director may be allowed only up to February 1<sup>st</sup>. Adjustments to the vacation schedule may be made by the department director if such changes benefit the employee and do not interfere with other work schedules, other previously-scheduled vacations or the efficiency of his/her department. Employees may not work during vacation time and be paid extra, except where employees of City departments may be called in on an emergency. In that case, they shall be paid their hourly wage for the number of hours spent on the job. This would constitute extra pay. However, the employee who is called to work while on vacation may elect to take compensatory time off at a later date, rather than draw extra pay.

## 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 Arkansas State laws. Additional holidays may be granted by Council with a majority vote.

All law enforcement officers, firefighters and 12-hour shift police dispatchers employed by the City of Mountain Home shall be compensated for all legal holidays established by the governing body of the municipality. Such compensation shall be based on the law enforcement officer's, the firefighter's, or, police dispatcher's daily rate of pay and in addition to the regular pay schedule. Such compensation may be included within the officer's, the firefighter's, or, police dispatcher's base pay.

Such compensation shall be pro-rated and paid during the regular payroll periods as set out by current state statutes. Police officers and firefighters of the City of Mountain Home will continue receiving thirteen (13) holidays.

All non-uniform full-time employees shall be entitled to the following holidays. Holidays will be paid at the employee's regular rate of pay (holidays will be based on an eight-hour day).

1. New Year's Day (January 1<sup>st</sup>)
2. Martin Luther King Jr. Day (3<sup>rd</sup> Monday in January)
3. President's Day (3<sup>rd</sup> Monday in February)
4. Memorial Day (Last Monday in May)
5. Juneteenth Day (June 19<sup>th</sup>)
6. Independence Day (July 4<sup>th</sup>)
7. Labor Day (1<sup>st</sup> Monday in September)
8. Veteran's Day (November 11<sup>th</sup>)
9. Thanksgiving (4<sup>th</sup> Thursday in November)
10. Thanksgiving Friday
11. Christmas Eve Day (December 24<sup>th</sup>)
12. Christmas Day (December 25<sup>th</sup>)

(Ord. 2011-11) Shift employees in the Water Treatment and Wastewater Treatment Plants shall be compensated for 13 holidays annually on a pro-rated basis; and, shall be paid during the regular payroll periods at the employee's regular rate of pay.

The following conditions apply to the City of Mountain Home's holiday pay policy:

*Holiday pay is computed at individual employee's base rate of pay. Holidays will not be paid to employees on any type of unpaid leave. Holidays falling within a previously approved scheduled vacation or sick leave will be recorded as holiday pay. Employee must be present at work for the entire shift scheduled on his or her last scheduled day prior to the holiday and the first scheduled day after the holiday or be on previously approved paid leave in order to receive holiday pay. Emergency sick time taken, for holiday pay purposes, will only apply under extraordinary circumstances approved by both the Department Head and the Mayor. A doctor's note may be requested.*

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

The City of Mountain Home will publish a holiday schedule for the sequent year no later than December of each year. The City reserves the right to change observance of any published holiday. Holidays falling on Saturday shall be observed on Friday and holidays falling on Sunday shall be observed on Monday.

Non-uniformed employees who are required to work on a paid holiday to provide a needed public service may, at the discretion of the mayor, be paid overtime pay at a rate of time and a half of their normal rate of pay or accrue compensatory time within the established policy found in this handbook (with the exception of those employees who are compensated for 13 holidays annually on a prorated basis).

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) hour day, regardless of the length of a shift typically worked by the employee.

### **5.3 – SICK LEAVE**

(Ord. 2010-05) All full-time employees will begin accruing sick leave from the date of hire. Proportional accruals shall be available after the first of each month; however, leave may only be used after completion of a three (3) month introductory period. After completion of this period any full-time employee may be eligible for sick leave days for the following reasons.

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

The department director must approve any exceptions. An employee who has no accrued time (sick leave, vacation leave, and/or personal leave) may receive donated sick time from another employee. The employee who wishes to donate sick leave to another employee must submit a Sick Leave Donation Provider Form to his/her director for approval. The amount of sick leave donated may not exceed the number of hours needed by the receiving employee. Hours needed shall be determined by the receiving employee's director.

When an employee decides it is necessary to use sick leave, he/she must notify his/her supervisor of the absence and its anticipated length, two (2) hours prior to the time the employee is expected to report to work. Exceptions to the time limit may be granted for accidents or extreme circumstances. The department director may, at his/her discretion, request a doctor's certificate for excused sick leave.

Full-time employees hired on or after January 1<sup>st</sup>, 2012 shall be reimbursed for unused sick leave at the regular daily rate of pay upon separation from continuous service with the City, as follows:

- 1) Employees with service under 10 years shall not receive any reimbursement for unused sick leave.
- 2) 10 years – up to year 15 with the City shall receive 1/3 of unused sick leave.
- 3) 15 years – up to year 20 with the City shall receive 2/3 of unused sick leave.
- 4) 20 years or more with the City shall receive reimbursement for unused sick leave not to exceed 720 hours.
- 5) 100% benefit upon death or retirement regardless of the number of years of continuous service

### **5.3.1 – UNIFORM EMPLOYEES – POLICE DEPARTMENT**

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 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.

Law enforcement personnel earn one hundred sixty (160) hours per year. Unused sick leave shall accumulate to a maximum of ninety (90) days or seven hundred twenty (720) hours. Law enforcement officers hired prior to January 1, 2012, shall receive payment of unused sick leave not to exceed ninety (90) days or seven hundred twenty (720) hours at regular rate of pay in effect at the time of retirement, death (AS 14-52-107) or termination of service with the City. Law enforcement officers hired on or after January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave in accordance with the schedule under Section 5.3 – Sick Leave in this handbook.

### **5.3.2 – UNIFORM EMPLOYEES – FIRE DEPARTMENT**

Firefighters earn twelve (12) twenty-four hour days (288 hours) per year. Unused sick leave shall accumulate to a maximum of one thousand four hundred forty (1,440) hours. Payment of unused sick leave in the case of a firefighter hired prior to January 1, 2012, upon retirement or death, shall

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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not exceed seven hundred twenty (720) hours at the regular rate of pay in effect at the time of retirement, death (AS 14-53-108) (Ord. 2010-05) or termination of service with the City. Firefighters hired on or after January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave in accordance with the schedule under Section 5.3 – Sick Leave in this handbook.

If unused, sick leave shall accumulate to a maximum of 1,440 hours. Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes. Time off may be charged against accumulated sick leave only for the 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 that the firefighter is not scheduled to work.

### **5.3.3 – NON-UNIFORMED EMPLOYEES**

The City of Mountain Home recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the City of Mountain Home provides paid sick leave to full-time employees. 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 department head before returning to work.

Regular full-time employees earn up to ninety-six (96) hours sick time per year earned at the rate of eight (8) hours per month. Regular employees hired prior to January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave at regular daily pay for each day of unused sick leave to a maximum of ninety (90) days or seven hundred twenty (720) hours. Employees hired on or after January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave in accordance with the schedule under Section 5.3 – Sick Leave in this handbook.

All Police Dispatcher employees earn up to one hundred forty-four (144) hours of sick leave per year earned at the rate of twelve (12) hours per month. Police Dispatchers hired prior to January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave at regular rate of pay for each day of unused sick leave to a maximum of sixty (60) days or seven hundred twenty (720) hours. Employees hired on or after January 1, 2012, leaving the service of the City will be reimbursed for unused sick leave in accordance with the schedule under Section 5.3 – Sick Leave in this handbook.

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 – 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 (as defined in the definitions section of this policy) only. Any leave requested more than three (3) calendar days must be charged to accrued vacation or compensatory leave. Under special circumstances, the department director may grant a funeral leave exception to the "immediate Family" requirement for funeral or bereavement leave. A Funeral Leave Exception form will be submitted by the director to Human Resources.

**Immediate Family:** Shall include: mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, grandchildren, and spouse's parents/immediate family or those relatives who live in the employee's household including "step" relatives.

### **5.5 – 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.

#### **5.5.1 – 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 workspace 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.

### **5.6 – MILITARY LEAVE / 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 Reemployment Rights Act of 1994 (USERRA), 38 USC 4301 et seq., and in Ark. Code Ann. § 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 and re-printed in Appendix A of this handbook. 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. As mentioned below, the FLSA provides further rights to family members of military personnel.

### **5.7 – 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:

- 1) The birth and care of the employee's child;
- 2) 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;
- 3) 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;"
- 4) The care of an immediate family member (spouse, child or parent, but not a parent "in-law") who has a serious health condition;
- 5) 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
- 6) 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:

- 1) Inpatient care in a hospital, hospice, or residential medical care facility; or
- 2) 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.

#### **5.7.1 – 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.

#### **5.7.2 – 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.

### 5.7.3 – USE OF PAID TIME OFF BENEFITS

When the City determines that leave is for an FMLA-qualifying reason, the qualifying leave is FMLA-protected and counts toward the employee's FMLA entitlement. Employees cannot decline to use, or, waive their Family Medical Leave rights. 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 accrued leave as part of Family Medical Leave. Such paid leave status shall be included in the total of the 12 work weeks.

When leave is taken under the Family Medical Leave Act, you may elect to:

- 1) take unpaid FMLA leave without first exhausting accrued leave; or,
- 2) use accrued leave concurrently with FMLA absences

Employees with no accrued leave available will automatically be designated as being in an unpaid FMLA leave status. Employees will not be allowed to save unpaid FMLA leave for use after exhausting accrued leave. That portion of Family Medical Leave of absence which is taken using accrued leave time, 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 FMLA maximum 12-week leave permitted. Employees in an unpaid leave status will not be entitled to continue accruing paid leave benefits.

### 5.7.4 – 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 department director. 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.

### 5.7.5 – NOTIFICATION

You must provide your department director 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 the department director as soon as possible.

### 5.7.6 – 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.

### 5.7.7 – 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.

### 5.7.8 – 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. 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, 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.



## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

---

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 **unpaid** 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 the department director prior to the end of the FMLA leave.

### **5.7.9 – 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 Human Resources. This form should be filled out and returned to 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.

### **5.7.10 – 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 department director prior to returning to work.

### **5.7.11 – 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 Human Resources.

### **5.8 – 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 department director a 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.

Full-time employees will be granted leave with pay for jury duty or when subpoenaed as a witness during scheduled working hours. The City shall not apply jury or witness leave to cases where the employee is personally involved in a suit or litigation. Full-time employees on jury or witness leave shall receive their regular pay and retain all jury fees. Proof of service must be submitted to the employee's supervisor when the employee's period of jury duty is completed.

### **5.9 – 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 the department Director. 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. The City will provide for coach class by air, bus or train for official travel. Unless coach class is not available, under normal circumstances, the vendor (airline travel agents, etc.) will be paid directly.

When a private vehicle is used, the City will reimburse the employee at the mileage rate equal to, but not more than, the current mileage rate allowed for the State employees. When two or more employees travel in the same vehicle, only one employee will be reimbursed for mileage. When a City

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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vehicle is used, unless a City credit card is used, the employee will be reimbursed for the actual cost of gas, oil, etc. Employee must provide receipts for approved expenses he or she pays from his or her own pocket.

All authorized travel time is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his/her regular hourly rate for all travel time; and this time will be factored into overtime calculations.

Employees will not be reimbursed for any fines for traffic violations, parking tickets, or the cost of repairs, breakdowns or accidents. The employee is responsible for providing his/her own liability insurance coverage as well as any other costs associated with operating his/her own vehicle. The City has liability insurance coverage on City vehicles being driven on official business; however, this does not cover accidents, which occur while not on official business. The employee is responsible for his/her own liability insurance coverage in this situation.

### Meals and Lodging

The City will pay employees a daily per diem rate for authorized overnight travel for meals and incidentals in accordance with current Internal Revenue Service Tax Guidelines for Travel. The department Director or supervisor must approve all per-diem requests. The City will reimburse the employee for the actual cost of lodging. When possible, all lodging arrangements should be made in advance by the City. Additional charges paid by the employee will be reimbursed after submission and approval of the request. Per Diem reimbursement shall not be allowed for meals and lodging included in any Federal, State or private agency's long or short-term training.

### Rental Cars and Taxi

In the event that a rental car would be less costly, or if other means of transportation were not available, the employee would be reimbursed for the actual cost of the rental car. Receipts must be provided along with justification. The City will reimburse the employee for the actual cost of the taxi fare.

## **5.10 – EMPLOYEE HEALTH BENEFITS**

The City of Mountain Home provides a group health plan for all of its full-time employees, the Mayor, City Clerk, City Attorney and the dependents of the above-enumerated employees. Group hospitalization insurance shall be offered to council members under the following criteria:

### Section 1:

- 1) Coverage must be offered to all council members with at least one month of service.
- 2) Enrollment will be optional.
- 3) Council members shall pay in advance the entire monthly premium for coverage.
- 4) Premiums will be paid directly to the City through the Treasurer's office (payroll deductions will not be done)

Section 2: (Ord. 2012-3) In accordance with the provisions of the group plan, if a council member declines coverage at the initial offer (current members) or, after his/her first thirty (30) days of service with the City (newly elected members), he/she will not be eligible to enroll for coverage until the Open Enrollment period (November) for which coverage would become effective January 1<sup>st</sup> of the following year.

Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from Human Resources. Any full-time employee wishing to participate in the health plan should complete the appropriate forms and return them to Human Resources within the first five (5) days of employment. Membership in the plan will begin in accordance with policy rules. If an employee does not enroll in the plan upon being hired, enrollment will not be available until the plan's annual open enrollment time unless the employee has a life event as determined by the City's Cafeteria Plan and the health plan rules. Employees must notify Human Resources as soon as a life event occurs. If you are not sure what a life event is, please contact Human Resources.

## **5.11 – 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. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located City Departments on the Arkansas Workers Compensation Commission Form P.

Major on-the-job injuries and those occurring after the clinic's office hours must be taken to an Emergent Care facility or to the hospital emergency room. If an emergent care facility or the emergency room physician recommends a follow-up visit, the injured employee must seek care from a City approved medical clinic. A "First Fill" letter should be provided to the employee to cover cost of any prescription, the employee should not pay for any prescriptions and may not be reimbursed if they do. The employee should make sure the facility is aware that it is an occupational injury/illness so that it may be billed accordingly. SUPERVISORS MUST REPORT ON-THE-JOB INJURIES TO HUMAN RESOURCES AS SOON AS POSSIBLE AFTER THE INCIDENT OCCURS. Employee and supervisors must submit any follow up documentation from physician visits, scheduled procedures, or admissions to medical facilities in a timely manner to the Human Resource office and notify that office when an employee returns to work.

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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Arkansas Code Annotated §11-9-501(a)(1), (2) & (3) addresses compensation to the injured employee. (1) Compensation to the injured employee shall not be allowed for the first seven (7) calendar days' disability resulting from the injury, excluding the day of injury. (2) If a disability extends beyond that period, compensation shall commence with the ninth (9) day of disability. (3) If a disability extends for a period of two (2) weeks, compensation shall be allowed beginning the first (1) day of disability, excluding the day of injury.

To assure that the employee does not lose income for the day of the accident/illness, the City will pay the employee for the remaining part of the day or shift in which the accident/illness occurred. The City will also pay three (3) days/shifts the employee may miss without deduction to any accruals. After the three (3) days/shifts the employee may, at his/her option, use any available sick/vacation/comp leave to cover the remainder of the first seven (7) calendar days after the date of injury.

Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to workers' compensation benefits may utilize their accrued sick/vacation/comp leave as a supplement to their workers' compensation benefits so as to receive benefits from both sources equal to, but not in excess of, their normal weekly net pay at the time of their injury or onset of their illness. Such leave will reduce the employee's accrued leave on a proportional basis.

In the event an employee receives workers' compensation payments as a salary benefit in addition to sick/vacation/comp leave payments and the combined payments exceed the employee's normal weekly net pay, the employee must pay the excess amount to the City. The employee's salary will be reduced during the next pay period equal to the amount of the time used. Upon receipt by the City (from the employee) of an amount that is in excess of the employee's normal net pay, the City shall then restore to the employee's credit that amount of sick/vacation/comp leave that was deducted from the City from the employee's account of accruals.

Before an employee can return to work at either his/here normal position or to a restricted duty position, the treating (or referred) physician must complete a "Physician's Release to Return to Work" indicating the date the employee may return to work and must specify clearly the duties the employee may not perform. If the physician allows the employee to return to work on light duty before fully recovered, he/she may be assigned light duty work in any city department if it is available. Pay for light duty will be at the employee's regular hourly rate.

### **5.12 – 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 credited to that employee at the time the accident occurred.

## **CHAPTER 6 – STANDARDS OF CONDUCT**

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

Employees of the City of Mountain Home 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 or his/her designated official 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 one of these individuals to communicate on a specific topic. When speaking on behalf of the city or while carrying out your official duties:

- 1) Employees must identify themselves as representing the city. Account names on social media sites must clearly be connected to the City and approved by the Mayor or his/her designated official.
- 2) All information must be respectful, professional, and truthful. Corrections must be issued when needed.
- 3) Employees need to notify the department director if 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 particular 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's office 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 the proper custodian 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 Mayor's office or in the case of a records request, to the City Clerk. 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.

- 1) 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.
- 2) If you publish something related to City business, identify yourself and use a disclaimer such as, "I am an employee of the City of Mountain Home. However, these are my own opinions and do not represent those of the City of Mountain Home.
- 3) 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.

## **6.3 – UNIFORMS AND PERSONAL APPEARANCE**

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the department director. 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.

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

The obligations herein apply to all employees. This listing may be augmented by department rules and/or employee's specific job description. These obligations serve as the basis for evaluation and disciplinary action.

- **Respect for Authority:** Employees must follow the instructions of their supervisors promptly and courteously (except when such instructions violate safety procedures or the law). Failure to do so will be considered insubordination and disciplinary action can be taken.
- **Honesty and Truthfulness:** Employees must be honest and truthful in all their dealings with citizens, other employees and supervisors in situations, which affect the City or the employee's job. Failure to comply can lead to disciplinary action. Serious offenses, such as misappropriation of City property, are grounds for possible criminal charges.
- **Competence and Diligence:** Employees must perform all assigned duties competently and diligently. Failure to do so will result in an adverse employee evaluation.
- **Fund Raising:** Employees are required to secure City Council approval before entering into any fund-raising campaign, which will bear the name of the City, or any City department.
- **Gifts and Gratuities:** Individual employees must refuse all offers of gifts or tips, no matter how small that may be offered for services that are or will be performed as part of the employee's job. Acceptance of such offers is grounds for immediate dismissal. Donations to departments may be accepted with the approval of the department director.

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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The City of Mountain Home 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 Mountain Home expects all of its employees to report to work on time and on a regular basis. Employees must be on the job and ready to begin work at the time specified by his/her supervisor. 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 result in disciplinary action. "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. Such absence shall be without pay. Abuse of the work hours in the opinion of the supervisor and/or department director can result in severe disciplinary action against the employee.

### **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 head 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 department director.

### **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 for the purpose.

## **6.8 – USE OF NARCOTICS, ALCOHOL AND TOBACCO**

Employees of the City of Mountain Home 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.

Smoking on City Government property is allowed only in the outdoor areas designated by department Directors. The use of all tobacco products are banned from all City parks' baseball, football, basketball and soccer field complexes, (Ord. 98-014) including the fields, dugouts, bleachers, horseshoe pits, food areas and restroom locations.

## **6.9 – DRUG-FREE WORKPLACE**

It is the policy of the City of Mountain Home 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 Mountain Home 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.

## **6.10 – USE OF CITY ASSETS AND RESOURCES**

All employees must use equipment and supplies necessary for the performance of their jobs efficiently, effectively and responsibly. Any employee needing additional supplies, equipment maintenance or repair must notify his/her supervisor as soon as the need becomes apparent so that performance of his/her job may continue without undue interruption. Abuse or misappropriation of City-owned equipment or supplies will result in disciplinary action and possible criminal charges.

### **6.10.1 – TELEPHONES**

Telephones are to be used to conduct City business. Long distance or toll 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 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 and has the authority to withhold any unauthorized amounts from the employee's wages. By accepting the use of City-issued cellular telephones, 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.

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.

### **6.10.2 – COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES**

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Mountain Home 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

## CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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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 of 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 Mountain Home 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. Computer equipment, including software, should not be removed from City premises without prior written approval from department director. The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

### **6.10.3 – 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.

### **6.10.4 – ELECTRONIC MAIL AND CONFIDENTIALITY**

The City of Mountain Home 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.

### **6.10.5 – REMOVAL OF CITY PROPERTY**

No City owned, leased, or licensed equipment or documents may be removed from City premises without prior written approval from department director.

## **6.10.6 – 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.

## **6.11 – 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 department director. 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.

## **6.12 – 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 department director employees may transport spouses in City vehicles when attending conferences or meetings. 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 department director. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

## **6.13 – 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. The City Council may grant a political leave of absence to an employee who is a candidate for any elected office. Political leave will be granted without pay and all benefits will be suspended during the period of leave. City employees in any department shall not be appointed, reduced, suspended or discharged or otherwise discriminated against because of their political opinion or affiliation. Employees may seek any elected office, including municipal office. They may also contribute to or work for any candidate of their choice on their own time and in a vehicle other than a City vehicle.

## **6.14 – 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:

- 1) Warning or Reprimand. A warning or reprimand is 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 orally or in writing.
- 2) Suspension-Suspension involves the removal of an employee from his or her job. An employee, with the concurrence of the mayor, may be suspended with or without pay pending investigation. Notice of suspension and the reasons will be given to the employee in writing and the suspension will begin immediately. If the suspension is deemed to be without sufficient cause or without merit, the employee shall receive back pay for any days not worked.
- 3) Demotion. A demotion is an action that places the employee in a position of less responsibility and less pay.
- 4) Termination. A termination is a removal of an employee from City employment.



# CITY OF MOUNTAIN HOME PERSONNEL POLICY HANDBOOK 2023

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## **6.15 – PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION**

### **Appeal Procedure**

The City of Mountain Home has an appeal procedure for employees to appeal suspensions and terminations. The appeal process is only for suspension and terminations. Oral or written reprimands cannot be appealed but the employee may choose to have a written rebuttal attached to a written reprimand that will be placed in their personnel file.

The appeal procedure shall be enacted within five (5) City business days of the occurrence of said problem or concern of the employee. If said employee fails to file the appeal within five (5) City business days of the occurrence or concern, said appeal shall thereafter be barred.

- **Step One.** An employee appeal should first be presented (in writing) to the HR department within five (5) City business days of the incident resulting in the complaint. The Director of the department will have five (5) City business days to respond. If the issue is not resolved at this step, the employee may go to Step Two.
- **Step Two.** The employee complaint should be presented (in writing) to the HR department within five (5) City business days of the receipt of the Director's response. The Mayor will have five (5) City business days to respond. The decision of the mayor will be final.

## **CHAPTER 7 – MISCELLANEOUS INFORMATION**

### **7.1 – POLICY STATEMENT**

The City of Mountain Home 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 Mountain Home reserves the right to suspend, revoke, or revise any of the policies contained this handbook at any time. Each department director is authorized to adopt lawful verbal or written policies governing the day-to-day operations of that department. Departmental policies, if in conflict, shall be governed by the provisions of this handbook.

### **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 his or her department head.

## **CONCLUDING STATEMENT**

It should be noted that every situation, which might arise during the course of the job, couldn't be covered in a Personnel Policy Handbook. Each employee is expected to use good judgment and some degree of "common sense" in dealing with the day-to-day requirements of employment. This policy is only a general guide for outlining the procedures used and orienting the employee to his/her job with the City. If at any time the employee is in doubt about what is proper for a given situation, consultation with his/her department director or supervisor is appropriate.

## **CHAPTER 8 – FORMS: APPENDIX A**

RECEIPT OF CITY OF MOUNTAIN HOME PERSONNEL HANDBOOK  
(To be placed in employee's personnel file)

I have provided a copy of the City of Mountain Home Personnel Handbook to (print clearly) \_\_\_\_\_  
\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
DEPARTMENT DIRECTOR SIGNATURE

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

I, (print clearly) \_\_\_\_\_, acknowledge receipt of the REVISED 2020 City of Mountain Home Personnel Policy Handbook.

The handbook contains policies, practices and regulations which I have read, understand and agree to comply with during my employment with the City of Mountain Home. After reading the policies, practices and regulations, I understand that I am at-will employee, and nothing in the handbook alters that status.

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 further understand that I will be responsible for complying with future changes in such policies, practices and regulations communicated to employees from time to time, whether or not I have signed an acknowledgement of such changes.

I understand that if I have any questions about the provisions contained in this handbook, I should direct them to my immediate supervisor or the department director.

\_\_\_\_\_  
EMPLOYEE NAME (PRINT CLEARLY)

\_\_\_\_\_  
DEPARTMENT

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

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