

Sebastian County

Personnel Manual

June 18, 2013

Sebastian County Personnel Manual

Table of Contents

Article I

Introduction

A. Purpose.....	1
B. General County Policy.....	1
C. County Employment Policy.....	1
D. Constitutionally Protected Conduct.....	2
E. Hiring and Promoting.....	2
F. Employee Benefits.....	2
G. Harassment Policy.....	2-4

Article II

General Provisions & Procedures

A. Personnel Files.....	5
B. Hiring, Attendance, Resignation & Termination Procedures.....	5
C. Records, Forms, Reports.....	6
D. Political Activities.....	6& 7
E. Nepotism.....	7
F. Veterans Preference.....	7
G. Substance Abuse Policy.....	7-9

Article III

Types of Appointment

A. Regular Full Time.....	9
B. Regular Part Time.....	9
C. Extra Help.....	9
D. Temporary or Seasonal.....	10
E. Non-Exempt Employees.....	10
F. Exempt Employees.....	10

Article IV

Hours of Work

A. Regular Work Week.....	10
B. Law Enforcement and Detention Center Employees.....	11
C. Daily Work Hours.....	11
D. Lunch Period & Rest Breaks.....	11
E. Safe Harbor.....	11
a. Deductions from Compensation – Exempt Employees.....	11

Article V

Compensation

A. General Procedures.....	12
B. Overtime.....	12
C. Compensatory Time Off.....	12
D. Termination Pay.....	13
E. Retirement.....	13
F. Insurance.....	13-14
G. Workers' Compensation.....	14
H. Holidays.....	14-15
I. Holiday Exemption.....	15
J. Leaves of Absence.....	15
K. Vacation.....	15-16
L. Sick Leave.....	16-17
M. Funeral Leave.....	18
N. Jury Duty.....	18
O. Military Leave.....	18
P. Extended Military Leave.....	18
Q. Injury Leave.....	19
R. Family & Medical Leave.....	19
a. Types of FMLA Leave.....	19
i. Basic Leave.....	19
ii. Military Family Leave.....	19
b. Eligibility.....	20
c. Applying for Leave.....	20
d. Certifications & Recertification.....	21
e. Use of Leave.....	22
f. Designation of Leave.....	22
g. Activities While on FMLA Leave.....	23
h. Definitions.....	23
i. Military Family Leave.....	24
j. Qualifying Exigencies.....	24
k. Covered Service Member.....	24
l. Benefits Continuation and Other Protection.....	24

m. Return to Work.....	25
n. Other Rights and Obligations.....	25
S. Catastrophic Leave.....	26
a. Definitions.....	26
b. Scope.....	27-28
T. Longevity Pay.....	29

Article VI

Promotion, Transfer, Reclassification, Demotion and Special Assignment

A. Promotion.....	30
B. Transfer.....	30
C. Reclassification.....	30
D. Demotion and Discipline.....	30-31
E. Special Duty Assignment.....	31

Article VII

Code of Ethics

A. Ethics.....	31
B. Fraternalization.....	32
C. Conflicts of Interest.....	32
D. Dress Code.....	32-33
E. Uniform Policy.....	33

Article VIII

Grievance Hearing Procedure

A. Scope.....	34
B. Procedures.....	34
a. Process Steps 1, 2, 3 &4.....	34-35
C. Terminations.....	35
D. Time Limits:.....	35

Article IX

It Shouldn't Happen To You

A. Dismissals.....	36
--------------------	----

Article X

Your Work Environment

A. Rules and Conduct Guidelines.....	37-38
--------------------------------------	-------

Article XI

Workplace Violence Policy

A. General.....	39-40
B. Procedures.....	40

Article XII

Smoking Policy.....	41
---------------------	----

Article XIII

Audio, Video and Photo Policy.....	41
------------------------------------	----

Article XIV

Maternity/Pregnancy Leave (See FMLA Policy Page 19).....	41
--	----

Article XV

Physical Exams.....	42
---------------------	----

Article XVI

Personal Business.....	42
------------------------	----

Article XVII

Outside Employment (“Moonlighting”).....	42
--	----

Article XVIII

No Solicitation/Distribution.....	43
-----------------------------------	----

Article XIX

Security.....	43
A. Guidelines.....	43-44
B. Keys and Keycards.....	44

Article XX

Internet and e:Mail Policy	44-45
----------------------------------	-------

Article XXX

Social Media Policy	45
---------------------------	----

Article XL

Vehicle Safety Policy	46
-----------------------------	----

A. Objective	46
B. Scope	46
a. Covered Vehicle	46
b. Training	47
c. Driver Behaviors	47
d. Permissive Users	47
e. Driver Restrictions	47
f. Emergency Preparedness	47
g. Contractors	47
h. Driving Measures	47
i. Accountability	47
j. Cell Phones and Pagers	47-48
k. Trailer Towing	48
l. Vehicle Equipment and Configuration	48
m. Vehicle Inspection	48
n. Damage to Covered Vehicles	48

Article L

Reservation of Rights	48
-----------------------------	----

Article LX

Summary	48
---------------	----

Forms

▪ Drug and Alcohol Testing Consent Form	49
▪ Internet and e:Mail Policy Acknowledgment	50
▪ Acknowledgment of Policies & Procedures	51
▪ Acknowledgement of Security Policies	52

Employment Policies & Procedures(Ordinance No. 2013-13)

Article I

Introduction

A. Purpose

The purpose of this document is to familiarize the employee with the County's employee policies. Nothing herein creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

B. General County Policy

The general policy of the County is to treat all employees and citizens in a manner that is: 1) rationally related to the effectuation of legitimate County objectives and 2) uniformly applied to all persons similarly situated.

C. County Employment Policy

All County employees are "at will" employees. County employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. If, notwithstanding this document, any employee contends that he or she has a property right in his or her employment or a substantial expectancy of continued employment (express, implied, written, or oral) until "just cause" exists for reduction or removal in pay or position, then that employee shall assert such contention at a "property right" grievance hearing requested in the time and manner set forth in Article X.1.

Employment-at-Will;Any worker whose employment with the County is not governed by the terms of a written contract, is considered to be an "at will" employee. The employment of such workers may be terminated at any time at the discretion of either employer or the employee. This includes termination with or without cause and with or without notice. Any oral statement to the contrary is not binding on the employer and shall not be relied on by the employee or job applicant.

The County is not responsible for and will not be bound by any statements that are not reaffirmed in writing by the Human Resources Director. Statements on the employment application or in this handbook do not constitute or imply an employment contract nor should such statements be construed to suggest future employment or continued employment or in any way supersede the County's "at will" policy.

D. Constitutionally Protected Conduct

It is the policy of this county not to violate the Constitution or the laws of Arkansas or the United States.

Should any applicant or employee contend that he or she has been unlawfully discriminated against because of the race, color, religion, gender, national origin, age, or disability or that he or she has been unlawfully punished for the exercise of a constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy, etc.) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall request, in the time and manner set forth in this county employment policy, a "liberty right" hearing before the county grievance committee to provide the county's final policy-maker with authority an opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of county officials and county employees to the requirements of county policy.

E. Hiring and Promoting

The at-will employment policy applies equally to hiring and promoting. Nothing herein shall create a property right in employment, entitlement to be hired or promoted, or an expectancy of continued employment. Nothing herein establishes grounds upon which hiring or promoting must be based.

F. Employee Benefits

Eligibility for vacation leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

G. Harassment Policy

It is the policy of the County to treat all employees equally in their terms and conditions of employment. The harassment of any employee is contrary to this policy, may be considered a violation of federal law and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, supervisors, agents, and non-employees who have contact with employees during working hours.

Harassment is any annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of, but not limited to race, sex, age, religion, ancestry, national origin, physical disability, mental condition, or marital status.

Harassment may include, but is not limited to, any of the following:

- Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, invitations, or comments.
- Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her sex or other protected status.
- Displaying or distributing sexually offensive or racist materials. This includes derogatory posters, cartoons, drawings or gestures.
- Discriminating against any employee in work assignments or job-related training.
- Intimate physical contact.
- Making sexual or racial innuendos.
- Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
- Retaliation for having reported harassment.

Sexual harassment, which is a type of harassment, includes, but is not limited to any behavior that:

- Requires or implies that another person's submission to or rejection of sexual advances will affect that person's employment. This can include hiring, job assignment or duties, shifts, compensation, appraisals, promotion or advancement, transfers, training opportunities, disciplinary action, termination or any other conditions of employment or career development.
- Creates a hostile work environment for another that is sexually abusive, demeaning, intimidating, threatening or offensive. Employees will not request sexual favors, engage in visual, verbal or physical conduct of a sexual nature, display sexually suggestive objects or pictures, tell offensive jokes, use sexually suggestive language or send sexually suggestive e-mail.

It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following will apply:

- Any harassment or suspected harassment should be reported to the supervisor within 48 hours of the alleged harassment event. If any employee is not comfortable with reporting the matter to the supervisor, then the harassment should be reported to the Human Resources Director or any Elected County Official. A written statement by the complainant setting forth all pertinent facts may be requested.
- Any employee who receives a report of or has knowledge of harassment shall promptly inform the Human Resources Director in writing who will then determine whether further investigation is warranted.

- Each complaint shall be investigated by the Human Resources Director and/or the supervisor and a determination of the facts will be made on a case-by-case basis. Appropriate action up to and including discharge will then be taken by the appropriate supervisor.
- The results of the investigation shall be kept confidential and provided only to those employees of the County on a need-to-know basis.
- The investigative files, including the complaint, shall be maintained by the Human Resources Department. Any disciplinary action taken will also be documented in the employee's personnel file.
- The County will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge.
- If an employee is uncomfortable in reporting harassment or retaliation to any of the individuals mentioned above, or feels their complaint is not receiving the attention it deserves, they are to report their concerns to the Sebastian County Prosecuting Attorney.

Article II

General Provisions & Procedures

Human Resources Department

The County Judge's Office shall be responsible for the coordination of the County Human Resources Department, and shall be responsible for administering ordinances enacted by the Quorum Court concerning Human Resources Policies and Procedures.

A. Personnel Files

The Human Resources Department is responsible for maintaining personnel/benefit files on each employee. These files contain documentation regarding all aspects of the employee's tenure with the County, such as performance appraisals, beneficiary designation forms, disciplinary warning notices and letters of commendation. You may review your personnel file on an annual basis. If you are interested in reviewing your file contact the Human Resources Department to schedule an appointment.

To ensure that your personnel file is up-to-date at all times, notify your supervisor or the Human Resources Department of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, name of individuals to notify in the case of an emergency, and so forth.

B. Hiring, Attendance, Resignation & Termination Procedures

Persons seeking County employment shall fill out and sign a County Application for Position Form at the State Employment Office, unless directed otherwise by the job posting or advertisement. Application forms shall be filed in the Human Resources Department.

Elected officials may delegate hiring authority to those department supervisors under their jurisdiction. Vacancies may be filled by promotion or movement of others within a department prior to posting for the open position, if that person has been in training or was groomed for the position. Otherwise, all vacancies will be posted on the County Internet Site by the Human Resources Department for a period of not less than three (3) working days before an offer is made. Other recruiting actions, such as newspaper ads, may be taken at the discretion of the elected official or department head. Seasonal part-time positions filled by recalling previous employees shall not require posting.

NOTE: No offer of employment, promotion or pay raise will be made prior to approval by the Human Resources Department pending review of legal, budgetary and policy concerns.

Sebastian County residents will be given preference when applicants for jobs are equally qualified. All new employees or employees returning from inactive status must report to the Human Resources Department prior to their first day of work to fill out necessary personnel and withholding

forms. All payroll changes must be processed through the Human Resources Department prior to entry into payroll records.

Minimum age as a County employee, with the exception of a law enforcement employee, shall be eighteen (18) years. Minimum age for a law enforcement employee, shall be twenty-one (21) years. Sixteen (16) years shall be the minimum age for temporary or seasonal employment, except for youth involved in special programs that allow employment at fourteen (14) years of age, providing the employment complies with the Fair Labor Standards Act.

Daily attendance and promptness is vital to efficient operation of County business. Should poor attendance or tardiness on the part of an employee occur to a point indicating a pattern, disciplinary action will be taken at the discretion of the departmental supervisor or elected official. Failure to notify your department of an absence for two (2) consecutive days (no call / no show) will result in termination of employment, except in extremely rare and unusual circumstances approved by the Elected Official.

A Termination Information Form shall be completed, signed by the departmental supervisor or elected official and the employee being terminated and submitted to the County Human Resources Department no later than one day following the termination.

C. Records, Forms, Reports

It is the responsibility of each employee to report immediately any change of address or phone number to the departmental supervisor or elected official. This information and any other changes (wage rate, expenses, job title, injuries incurred on-the-job, training courses completed, etc.) shall be reported by the departmental supervisor or elected official to the Human Resources Department no later than Monday morning following such change(s).

Time and attendance records will be kept on all employees, whether full-time or part-time. Such records will be maintained by the departmental supervisor, elected official or designated person. This information will be submitted to the Human Resources Department on a timely basis as established by the payroll processing requirements.

D. Political Activities

Arkansas Statutes applicable to County employees regulate political activities as follows:

- It shall be unlawful for any public officer, deputy, or assistant who may be a candidate for the nomination to any office, or who may be a candidate for any office to be voted for at any election, to use any office or room furnished at public expense for his political headquarters or to send out or distribute any letters, circulars or other campaign literature from such public office or room.
- It shall be unlawful for any public officer, deputy or assistant to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office.

- It shall be unlawful for any campaign banners, cards, or campaign literature to be placed on or visibly inside any cars, trucks, tractors, or displayed on public property belonging to the State of Arkansas or any municipality or county in the State.

E. Nepotism

No employee may be hired or allowed to work in a position where they will be supervised, directly or indirectly, with a relative by blood or marriage of the second degree of consanguinity or affinity. A person of second degree consanguinity or affinity includes parent, grandparent, spouse, child, grandchild, brother, sister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin.

F. Veterans Preference

Honorably separated veterans of the United States Military or Naval Forces who served during time of war or armed conflict, as hereafter defined, or their widows or widowers, who are citizens and residents of this County shall be entitled to preference in appointment and employment in each department of County Government over other applicants after meeting substantially equal qualifications.

G. Substance Abuse Policy

1. Public safety employees are subject to testing by the county to detect the presence of controlled substances and alcohol in their body, including:
 - a. Pre-employment Testing (controlled substances only)
 - b. Reasonable Suspicion Testing
 - c. Random Testing
 - d. Post-accident Testing
 - e. Return-to-duty and Follow-up Testing
2. Any prospective employee may be given a mandatory pre-employment drug test and will not be employed until the drug test results are received by the Office of the County Judge. The County Judge will then notify the County Clerk who shall notify the Elected Official or Department Head of the results. An employee cannot start work until the pre-employment drug test result is received.

3. Public safety employees subject to random testing shall include only employees whose duties require them to:
 - a. Maintain a commercial driver's license, or
 - b. Drive a vehicle as a part of the employee's normal county duties (excluding to and from work), or
 - c. Carry a firearm, or
 - d. Routinely operate an emergency vehicle (one equipped with siren and red or blue lights) in order to lawfully carry out their duties, or
 - e. Serve as mechanics on county vehicles, or
 - f. Be prepared to use justified physical force against persons to maintain order or secure security for persons detained by the county.

4. The Drug and Alcohol Testing Procedures required by the U.S. Department of Transportation (the Rules) shall be the procedures followed by the County, which procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.

5. Upon the county's adoption of this policy, or at the point of hiring, each county employee shall certify in writing that:
 - a. The employee has been informed of and understands his or her obligations under the County's drug and alcohol testing policy and the drug and alcohol regulation of the U.S. Department of Transportation;
 - b. The employee understands that the use or possession of alcohol in any form is prohibited in the workforce, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident;
 - c. The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and
 - d. The employee understands that he/she may be subject to drug and alcohol testing in other circumstances including, but not limited to post-accident and when the employer has reasonable suspicion to believe the employee has engaged in prohibited actions concerning controlled substances or alcohol.

6. Drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules.

7. Reasonable suspicion testing shall not be conducted until after the facts are reviewed by the prosecuting attorney, a deputy prosecuting attorney, or the county civil attorney and the reviewing attorney agrees with the supervising elected official that reasonable suspicion exists under the particular facts of the particular case.

8. The following shall result in immediate discharge:
 - a. Refusal to take a mandated test for drugs or alcohol;
 - b. A positive drug test result (once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test); or
 - c. A positive alcohol test result.

9. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the County's Designated Representative receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed to the County by the employee. The County shall withhold from the employee's paycheck the cost of the second (split sample) test to reimburse the County. A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

10. An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.5 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test received by the county's Designated Representative.

Article III

Types of Appointment

- A. Regular Full Time:** A regular full-time position is a regular County position requiring a minimum of thirty (30) work hours per week.

- B. Regular Part Time:** A regular part-time position is a County position requiring at least 80 hours in each month of the year. Regular part-time employees are entitled to retirement and pro-rated vacation, sick and holiday benefits.

- C. Extra Help:** An extra help position is a temporary position which works a flexible schedule, normally less than 80 hours monthly. An employee appointed as extra help may work on a call-in basis. Extra help works in unusual circumstances, such as special projects or temporarily increased work load.

Extra help employees do not accrue seniority and do not receive benefits of regular employees.

D. Temporary or Seasonal :A temporary or seasonal position is a County position created in response to a special need which cannot be handled by regular or extra help employees. The duration of a temporary or seasonal position may last up to six (6) months.

Temporary or seasonal employees do not accrue seniority and do not receive benefits of regular employees. However, temporary or seasonal employees are eligible for holidays, prorated based upon the average number of hours worked per day during the pay period in which the holiday falls, provided that the employee participates in holidays. Temporary or seasonal employees may receive Public Employees Retirement System retirement coverage subject to program eligibility guidelines.

E. Non-Exempt Employees: Non-exempt employees earn compensatory time off at the rate of 1 ½ times the time worked in excess of 40 hours in a work week, except for non-exempt Law Enforcement and Detention Employees who earn overtime at the rate of 1 ½ times the time worked in excess of 171 hours in their 28 day work period.

F. Exempt Employees: Exempt employees are not required to be paid overtime in accordance with applicable Federal Wage and Hour Laws for work performed beyond forty (40) hours in a work week. Executives, professional employees, and certain employees in administrative positions are typically exempt.

Article IV

Hours of Work

A. Regular Work Week:The regular work week for Sebastian County shall begin at 12:00 a.m. on Saturday and end at 11:59 p.m. the following Friday. However, work hours and schedules may be established in departments that must schedule work according to operational and service requirements, provided however, the time of day and day of week on which the employee's work week begins will be kept on file in the Personnel Department. A pay period shall consist of two regular work weeks.

All full-time employees are expected to work those hours prescribed by their supervising elected official. The scheduling of these hours is the responsibility of each elected official. Due to time keeping requirements under FLSA guidelines, non-exempt employees are not allowed to work from home. Should it be necessary for an employee on a five-day, eight-hour schedule to work more than eight (8) hours in any one day, when possible the employee should be granted hours off within the same work week so that total hours worked within the work week do not exceed forty (40) hours. Hours worked in excess of forty (40) hours per week shall be compensated at the rate of one and one-half (1 1/2) times their regular rate for non-exempt FLSA positions only. Comp time will be used for overtime compensation, in the manner and amounts permitted by FLSA regulations. However, some Sebastian County employees such as EMS, Road, Law Enforcement, Maintenance, Detention and Communication follow specific policy for their department, see the Overtime Policy for details.

B. Law Enforcement and Detention Center Employees: Employees engaged in law enforcement and detention center activities, who qualify for Section 7(k), shall be paid at the rate of 1 1/2 times their regular rate for all hours worked in excess of 171 hours within their twenty-eight (28) day work period.

C. Daily Work Hours: General County office working hours are from 8:00 a.m. until 5:00 p.m. with a one (1) hour lunch period from 12:00 noon to 1:00 p.m. Varying times for lunch periods may be scheduled at the discretion of the elected official.

The County Road Department working hours are from 7:30 a.m. until 4:00 p.m. with one-half (1/2) hour lunch period from 11:45 a.m. to 12:15 p.m.

Working hour adjustments may be made by the elected official with a copy of such working hours filed in the Personnel Department for each position. Office and department work periods and working hours shall be reported to and maintained by the Personnel department, based on written correspondence from the elected official.

D. Lunch Period and Rest Breaks: Unless otherwise stated and wherever possible, a lunch period of one (1) hour will be scheduled during each work day and a rest break of fifteen (15) minutes will be granted during each four (4) hour work period. The time of each rest break will be determined by the elected official or designated departmental supervisor and will be, as nearly as is practical, near the middle of a work period.

E. Safe Harbor

a. Deductions from Compensation – Exempt Employees: The County does not make deductions from compensation in violation of federal or state law. Under the Fair Labor Standards Act (FLSA), exempt employees must receive a predetermined amount of compensation each pay period, and only certain deductions are permitted. If an exempt employee believes that the County has made inadvertent deductions from his or her compensation, the following should apply:

- The employee should report the alleged deduction to the Human Resources Director.
- Each complaint will be investigated, and a determination concerning the deduction will be made.
- If the County determines that the deduction was not permitted, the employee will be promptly reimbursed.
- The County will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

Article V

Compensation

- A. General Procedures (Time Records):** Time and attendance records will be kept for all employees except elected officials. Such records will be maintained by the departmental supervisor or designated person. Attendance records will reflect number of hours worked each day, holidays, sick leave, funeral leave, annual leave, military leave, jury duty, leave without pay, and other authorized absences. Time and attendance reports for non-exempt County positions (FLSA) shall also reflect earned comp time hours, comp time leave taken and overtime. At the end of the pay period the employee must sign his/her time record to certify accuracy of hours worked and submit the time record to his/her elected official or department head for verification and approval. Should a supervisor/department head make a change to an employee's time record after the employee has approved such record, the supervisor/department head will review such change with the employee. All changes will be approved by the supervisor/department head and employee to indicate approval of the change. Payroll processing shall be based on this documentation. This information will be submitted to the Payroll Department on a bi-weekly basis or as established by the current payroll processing requirements. All employees are encouraged to participate in electronic deposit of their earnings, which can be directed up to 5 different accounts. Pay stubs and verification of deposit can be accessed on-line at the employee's individual web account. Contact the Human Resources Department if you are in need of a new PIN number or have problems accessing your account.
- B. Overtime:** Overtime is all time worked in excess of forty (40) hours in a given week for regular status non-exempt employees, or, over 171 hours per twenty-eight (28) day work period for Law Enforcement and Detention employees. Employees are compensated for overtime through compensatory time off. Exceptions to this rule are made in the departments of Maintenance, Communications, Essential Law Enforcement and Detention Employees, and Ambulance where overtime is paid. The other exception is the Road Department where overtime is paid or compensated through comp time, at the option of the employee. No employee shall work overtime unless authorized to do so by his departmental supervisor, or the elected official. Elected officials, executive, administrative and professional employees are exempt from both minimum wage and overtime provisions.
- C. Compensatory Time Off:** Accrued comp time earned at one and one-half (1 1/2) times for each overtime hour worked shall normally be used within three (3) months from the payroll period in which it is earned, however, certain positions in seasonably high demand departments such as the Park and the Road Department shall use comp time within six (6) months of the date earned. Whenever practical, accrued comp time shall be taken by the end of the next payroll period. Comp time not taken within the three (3) month time period (6 month for Road) shall be scheduled as time off within the next payroll period or be paid as overtime, pending available funds. Comp time in excess of 40 hours not scheduled as described above will be paid. If funding is not available for such payment, the Elected Official of the department shall request funding through the Quorum

Court. The County retains the right to mandate time off rather than monetary payment in all compensatory time situations.

Exempt County positions (FLSA) may use a compensatory time off plan as established, authorized, and maintained by the elected official or designated department head. Provided, however, no payment for accrued comp time for exempt positions shall be made, except in cases of Declared Federal Emergency, whereby Exempt County Employees may be compensated at 1 ½ times their normal rate of pay for excessive hours worked for said emergency, if approved by the County Judge and funding for such payment is made available by the government agency declaring the emergency.

Employees being considered for promotion who have a compensatory time balance shall either be given such compensatory time off or paid for the compensatory time at their current rate of pay before the promotion can become effective.

Compensatory time earned shall be used before vacation time.

D. Termination Pay: In addition to any wages due at the time a person is separated from County employment, he shall be paid, at his current hourly rate, for all accrued annual leave and one-fifth the total accrued sick leave, if he/she has completed at least one year of employment and is occupying a regular position at the time of separation.

Compensatory time accrued and not taken by those in non-exempt positions shall be paid upon termination.

No severance pay shall be permitted.

E. Retirement: Eligible employees are covered by the Public Employees Retirement System of Arkansas, administered by the Arkansas Public Employees Retirement System, Little Rock, Arkansas. Those retired through APERS or who have participated in the DROP program are restricted with regard to re-employment. For more information on this program contact the Human Resources Department.

F. Insurance

Medical Plan: The County offers a major medical/dental plan for all regular full-time employees, whereby the County and employee share in the premium payments. As a condition of employment, Sebastian County Employees are required to participate in the County's medical/dental plan, unless they can provide proof of alternate coverage. Contact the Human Resources Department for details. Medical benefits begin on the first of the month nearest to the 90th day of employment, but not exceeding 90 days of employment. Deductions for medical benefits begin two (2) pay periods prior to the start of this benefit. Medical benefits end on the last day of employment, however, terminated employees will receive information regarding the possibility of continuing insurance through COBRA or as a retirement option.

Life Insurance: Effective the same date as the Medical Insurance, all full time employees are eligible for \$50,000 Life and Accidental Death & Dismemberment Insurance, including employees

on paid or unpaid military leave. The policy amount may differ due to age bracket. Additional Life Insurance may be purchased at the employee's expense pending approval by the insurance carrier.

Short Term and Long Term Disability Insurance: Full time employees may purchase Short Term and/or Long Term Disability Insurance beginning on their insurance eligibility date, pending approval by the insurance carrier.

Cancer Indemnity Insurance: Full time employees may purchase Cancer Indemnity Insurance beginning on their insurance eligibility date, pending approval by the insurance carrier.

G. Workers' Compensation: Worker's compensation benefits are provided for all County employees who suffer an accidental injury arising out of and in the course of employment and while performing authorized duties.

All injuries, regardless of how minor and whether or not medical attention is required, must be reported to the supervisor and Human Resources immediately. It is most important that, at the time of reporting the injury, the injured person be very explicit in describing the accident, listing all witnesses and carefully describing the injuries and the parts of the body injured. Your failure to follow this procedure may result in the appropriate Workers' Compensation Report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness.

A report of the accident will be filed, if required, with the County Workers Compensation Insurance Company. Final determination of the claim will be forthcoming from that office. (Also see INJURY LEAVE, Item "P" below.)

H. Holidays:

The following days shall be considered as paid holidays:

- New Year's Day.....January 1
- Robert E. Lee's Birthday/Martin Luther King's Birthday.....3rd Monday in January
- Presidents Day.....3rd Monday in February
- Memorial Day.....Last Monday in May
- Independence Day.....July 4
- Labor Day.....1st Monday in September
- Veterans Day.....November 11
- Thanksgiving Day.....4th Thursday in November
- Christmas Eve.....December 24
- Christmas Day.....December 25
- Plus all other holidays as observed by the State of Arkansas.

In addition to the foregoing holidays, employees participating in holidays will receive a holiday on their birthday. The employee shall notify his departmental supervisor or elected official the week preceding the week in which his birthday will occur.

An employee participating in holidays required to work on a holiday shall be compensated at his regular hourly rate for all hours worked. Arrangements will be made for such employee to take off another day to make up for the holiday missed.

Holiday leave must be used within sixty (60) working days of the holiday or it will be forfeited.

To be eligible for holiday pay, the employee must have worked his last scheduled working day before and the next scheduled working day after the holiday, and must have performed some work for the County in the week in which the holiday occurs. Vacation and approved paid absences, authorized in writing, shall be considered as time worked for the purpose of administering this Section (but not for overtime purposes), unless otherwise specified.

Regular part-time employees are entitled to holidays, prorated based upon the average number of hours worked per day during the work week in which the holiday falls.

- I. Holiday Exemption:** Due to the service delivery requirements and shift structure of the Ambulance Department, Sheriff Law Enforcement, Communications, Juvenile Detention Center and Adult Detention Departments; those employees deemed "essential" are not eligible for and do not participate in County holidays. Essential (Post) employees are those covering shifts that typically must be staffed at all times.
- J. Leave of Absence:** Leave of absence accrual rates for vacation and sick leave may be modified by the Human Resources Department if new or revised work schedules are implemented by an office or department.
- K. Vacation:** All regular full-time employees with less than ten (10) years consecutive service are authorized ten (10) working days of vacation with pay for each twelve (12) months of employment at the rate of 5/6 of a day per month. All regular full-time employees with more than ten (10) years consecutive service are authorized fifteen (15) working days of vacation with pay for each twelve months of employment at the rate of 1 ¼ days per month. All regular part-time employees who work a minimum of twenty (20) hours per week are authorized ten (10) four hour working days of vacation with pay for each twelve (12) months of employment. An exception to the vacation calculations listed above involves Law Enforcement and Detention employees, who earn 3.70 hours of vacation per pay period with up to ten (10) years of consecutive service, and 5.54 hours with more than ten (10) years of consecutive service.

Vacation may be accumulated from year to year to a total not to exceed twenty (20) days (ten (10) days for regular part-time employees, and 240 hours for Law Enforcement and Detention employees).

No employee shall be paid for vacation in excess of his current balance. No vacation will be authorized until an employee has completed twelve (12) consecutive months of employment, at which time he/she will be credited with 80 hours vacation time (40 hours for regular part-time), with

additional vacation hours earned each pay period thereafter. Persons on scheduled vacation will remain on vacation, for payroll purposes, should unexpected closures occur, such as snow, fire, power outage and so forth.

The Human Resources Department will send a notice to each elected official/department head every other week showing the vacation balances of each employee assigned to that work unit.

All regular full-time employees with one year of continuous service, upon separation from the County, shall be paid for the amount earned but unused vacation.

Vacation will be scheduled with the departmental supervisor or the elected official, and documented on a vacation/sick day form or time card. Vacation will be scheduled at times which will not interfere with the work requirements of the department.

L. Sick Leave Pay: All regular full-time County employees, upon completion of six (6) months of continuous service, are authorized one working day of sick leave for each month of employment at the rate of one (1) day per month retroactively to the first day of work. Use of sick leave must be recorded on a vacation/sick day form or time card. Sick leave with pay may be accumulated from year to year not to exceed a total of ninety (90) working days. Regular part-time employees are authorized one-half (1/2) working day of sick leave for each month of employment at the rate of one half (1/2) day per month, with sick leave benefits accumulated from year to year not to exceed a total of forty five (45) working days.

All regular full-time and part-time employees, upon separation from the County, shall be paid for one-fifth (1/5) the amount earned but unused sick leave. No credit will be given upon termination unless twelve (12) months of continuous service has been completed.

County employees who are absent from work on sick leave shall notify their supervisor and/or department head of the reason of their absence no later than one (1) hour after the designated reporting time for work. The Elected Official/Department Head shall notify the Human Resources Department any time an employee misses 3 or more days work (other than vacation/holiday). An employee who fails to notify his/her department of an absence for two (2) consecutive days is subject to termination for "no show / no call". Absences chargeable as sick leave shall be reported and charged as sick leave with pay provided sufficient medical evidence is presented if requested. No employee shall be given sick leave in excess of their earned monthly credit. All sick leave in excess of a three (3) day period shall be supported by written verification as prescribed by the elected official. Any paid holiday which falls during the time a person is on approved paid sick leave is not charged against his/her sick leave, however, sick hours continue to be charged for unexpected closures due to snow, fire, power outages and so forth.

Employees serving on an extra help, temporary or seasonal basis are not entitled to sick leave.

Sick leave for illness, injury off the job, pregnancy, or for any other cause rendering the employee unable to work will be granted for a period not to exceed twelve (12) months, upon receipt by the elected official, of a statement from a physician verifying the need for such leave, and estimating the period required for recovery and return to work. If an extension (but not to exceed the original total of twelve (12) months) beyond the time initially estimated by the physician is requested, it must be supported by the physician's request.

If at any time the elected official has reason to believe that the physical or mental condition of any employee is such as to render that individual's continued active service a hazard to himself/herself or to other employees, that employee may be required to report to a physician for an examination at the expense of the County. If the employee fails to report for examination without good reason, he/she will be placed on leave of absence without pay until he/she undergoes the required examination. If the examination determines that the employee is not able to work without hazard to himself/herself or others, then the employee will be placed on sick leave until the condition causing disability has been corrected, with the total time off not to exceed twelve (12) months, unless extended by provisions of state or federal law.

If any employee does not have sufficient sick leave to his/her credit, he/she will be charged with leave without pay for the remainder of the twelve (12) month period. An employee who does not return to work for any period within twelve (12) consecutive months, will cease to be employed by the County and will need to reapply for employment should they wish to be considered for future employment. This rule will not apply if conflicting with FMLA, ADA, Military or other Employment Law. This rule does not imply that a person must miss twelve (12) months of work in order to be terminated for excessive absenteeism, rather, this rule is applied where an employee is missing work due to one episode of a particular illness or injury.

Sick leave is authorized for the following purposes and no others:

- Illness of an employee to a degree sufficient to prevent him from performing his normal duties on the job.
- Medical treatment, hospitalization or convalescence.
- Other medical reasons recommended in writing by the attending physician.
- Medical, dental or optical examinations.
- Required care of a member of an employee's immediate family (mother, father, spouse, child) with approval of the elected official.
- Exposure to a contagious disease.

Final Note Regarding Sick Leave:The County has provided the sick leave benefit to allow one to be off with pay in order to rest, heal and recover. Please be considerate of others and utilize this benefit as appropriate by not coming to work and exposing others while you are experiencing a cold, fever or other contagious disease. Also, sick leave that qualifies as FMLA will run concurrently with FMLA.

M. Funeral Leave:Prior approval must be secured from the departmental supervisor or elected official before leave of absence will be granted for funeral services, arrangements or obligations. Funeral Leave is granted only to full time and regular part time employees, not employees such as EHP or SPT.

Funeral leave may be granted in the case of death in the family of the employee or the employee's spouse. The length of time granted will be determined by the supervisor or elected official (generally 1 to 3 days for mother, father, sister, brother, grandparent or grandchild, 3 to 5 days for spouse or

child, 1 day if attending the funeral for aunt, uncle, niece, nephew or 1st cousin). Travel distance and obligations resulting from the death will be considered in determining the length of paid leave.

Up to one-half (1/2) day funeral leave may be granted to an employee serving as pall bearer or attending the funeral of a close friend. Such determination shall be made by the supervisor or elected official.

N. Jury Duty:An employee who is required to report for jury duty shall be granted a leave of absence with pay for each scheduled work-day in which the employee serves on jury duty. Such employee must furnish his departmental supervisor with satisfactory proof of such duty before a leave with pay is granted. An employee released from duty at a time which leaves one-half (1/2) of the working day, or more, remaining must report for work as soon as possible after being released.

O. Military Leave:The elected official may grant to employees who are active members of the reserve components of the military forces of the United States, paid military leave for a period not to exceed fifteen (15) working days for participation in annual training (ACA 21-4-102). Request for such leave must be accompanied by a copy of official orders directing such training and should be scheduled immediately upon notice of such training dates. Employees who are members of the National Guard or any of the reserve branches of the Armed Forces shall be granted two weeks leave annually, plus necessary travel time for annual training requirements. Said leave shall be granted without loss of pay and in addition to regular vacation time. Each employee who requests military leave shall furnish a copy of his order for his personnel file, and notify Human Resources upon their return.

P. Extended Military Leave:Any regular employee who is drafted or enlists for military service shall be granted an extended military leave of absence without pay. An exception is made in cases where an employee is called to duty for "emergency situations" by the Governor or President, in which case up to 30 days pay will be granted (the 15 days granted from ACA 21-4-102 are not to be added to these 30 days to create 45 paid days for one emergency leave). The term "emergency" is defined in Ark. Code 21-4-212 and the military orders will be labeled as "emergency" for this exception to be effective. Leave under this "emergency" provision is in addition to any other military leave (leave paid under ACA21-4-102 does not affect paid leave available under ACA21-4-212). Upon termination of the required period of active duty, such employee shall be entitled to reinstatement of his former position, or an equivalent position. Longevity shall continue to accrue during such period of military service. To be eligible for reinstatement by the County, the employee is obligated to apply for reinstatement within given time frames which vary depending on length of leave. USERRA guidelines will be followed to reinstate employees. Employees must request reinstatement after the date of their official discharge, must be honorably discharged, and must be physically and mentally fit to perform the duties of their position with reasonable accommodations.

Q. Injury Leave:All employees shall be covered in the event of an on-the-job injury or work related illness by workers compensation benefits.

Additionally, in the event a regular employee is injured on the job, or contracts an illness related to the job, and is temporarily incapacitated as a direct result of such injury or illness, the employee

shall be placed on injury leave of absence with full pay not to exceed seven (7) calendar days from the date of injury.

If the employee is directly receiving workers compensation benefits, and is eligible to do so under appropriate state and federal guidelines, the employee may supplement these benefits with any accrued sick leave or vacation so as to receive benefits from both workers compensation and sick leave or vacation in an amount equal to but not to exceed the employee's regular weekly pay at the time of the employee's injury or illness.

Accrual of benefits shall continue when an employee is placed on injury leave and workers compensation, including vacation, sick leave and, where eligible, holiday pay for a period of 90 days from the date of injury.

R. Family and Medical Leave:In Compliance with All Provisions of the Family and Medical Leave Act (FMLA)

- a. **Types of FMLA Leave:**The County recognizes that situations can occasionally arise that require an employee to be absent for serious illness and other family obligations. A leave of absence under the Family and Medical Leave Act is available to eligible employees who wish or need to take time off from work duties for the following reasons:

I. Basic Leave

- Incapacity due to pregnancy, prenatal medical care or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child (under 18, unless special circumstances exist), or parent with a serious health condition;
- A serious health condition, whether work or not work related, of the employee that makes the employee unable to perform the functions of his or her job;

II. Military Family Leave

- A covered family member's active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; and
- To care for an injured or ill covered service member.

This policy provides employees with a general description of their FMLA rights and obligations. Any conflict between this policy and the FMLA is resolved in favor of the FMLA.

- b. **Eligibility:**To be eligible for an FMLA leave, an employee must have worked for the County or one of its wholly owned subsidiaries for a total of at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles.

If employees are at a location that has fewer than 50 employees in a 75 mile radius, the employees are not eligible for leave under the Family & Medical Leave Act; however, the employees will be eligible for Family & Medical Leave under the County's policy. This leave under the County's policy will be administered under the same provisions as employees that are covered under the Family & Medical Leave Act, provided that the County may make exceptions to granting leave based on the operational needs of the specific the County location involved.

An eligible employee is entitled to take up to 12 weeks of FMLA leave during a 12-month period for circumstances 1 through 4 listed above and up to 26 weeks of FMLA leave during a 12-month period for circumstances related to Military Family Leave.

The 12-month period is defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

- c. **Applying for Leave:** An employee in need of an FMLA leave of absence may initially verbally notify his/her supervisor; however, the verbal notification must be followed by a written notice.

Calling in sick is not notice that an employee needs to take FMLA leave.

Generally, employees must provide at least 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When the need for leave is not foreseen and 30 days notice is not possible, except in unusual circumstances, notice must be given within two working days of learning of the need for leave.

Form FMLA Forms are available in the Human Resources Office and must be used to submit a written request for an FMLA leave. The completed form must be submitted to the Human Resources Officer for the employee's area. If an employee is physically unable to complete FMLA Form, a responsible family member or a County officer may complete and submit the form on behalf of the employee.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the essential job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave.

Employees must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

The County will inform employees requesting leave whether they are eligible for leave under the FMLA. The County will normally notify employees of their eligibility and their rights and responsibilities using Form WH-381. If an employee is eligible, the County will specify any additional information required and inform the employee of the employee's rights and responsibilities. If they are not eligible or the reason for the leave is not FMLA protected, the employee will be notified and given a reason.

d. **Certifications & Recertification:** Even though an employee may meet eligibility requirements for taking FMLA leave and have FMLA leave available in the applicable 12-month period, it still must be determined if the planned absence qualifies as FMLA leave. The required certification to make this determination should be covered in one of the following circumstances:

- An employee seeking FMLA leave due to the employee's serious health condition must submit a medical certification issued by the employee's health care provider (Form WH-380-E).
- An employee seeking FMLA leave to care for a covered family member with a serious health condition must submit a medical certification issued by the health care provider of the covered family member (Form WH-380-F).
- An employee seeking FMLA leave due to a qualifying exigency must submit a certification of the qualifying exigency for military family leave (Form WH-384).
- An employee seeking FMLA leave due to a serious injury or illness of a covered service member must submit a certification providing sufficient facts to support the request for leave (Form WH-385).

Failure to provide complete, timely and sufficient medical certification for the employee's own serious health condition, to support a request for an FMLA leave to care for a covered family member with a serious health condition, and/or to support a request for an FMLA leave to care for a covered service member may result in denial of the leave or the leave not being designated as FMLA leave. If the leave is not designated as FMLA, an employee is not entitled to FMLA benefits, including continuation of health care benefits. Employees have 15 calendar days following receipt of the Notice of Eligibility (Form WH-381) to return the form to the Human Resources Officer. If additional time is needed, it should be requested through the Human Resources Officer.

Failure to provide all requested information to support a request for FMLA leave due to a qualifying exigency may result in denial of the request for FMLA leave. Additional information about this type of leave is provided on Form WH-385.

If any certification is incomplete or insufficient, the County will normally use the Form WH-382 to notify the employee what additional information, if any, is necessary to make the certification complete and sufficient.

Periodic reporting and recertification is required regarding the condition that prompted the leave to be taken, the employee's status, and the employee's intention to return to work. The appropriate frequency of these required reports and recertification will be determined for the particular leave situation. Failure to provide these periodic reports and recertification may result in suspension of the approved leave or disciplinary action up to and including discharge.

e. **Use of Leave:** Employees are not required to use an FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees are required to use all paid time off available to them during any leave under this policy, and all paid time off used will run concurrently with FMLA.

If a County observed holiday falls in a week in which an employee is on an FMLA leave for the full week, the holiday will count as a day of FMLA leave. If the employee works part of the week in which a holiday falls, the day will not count as a day of FMLA leave.

If a County observed holiday occurs during the paid portion of an employee's leave, an eligible employee will be paid for the holiday. If a County observed holiday falls during the unpaid portion of a leave, the employee will not be paid for the holiday.

Ordinarily, no combination of family leave and medical leave can exceed the 12-week maximum limit. The County may consider an extension; however, an extension beyond the initial 12 weeks during a 12-month period will not guarantee a return to the same or an equivalent position in which previously employed.

- f. **Designation of Leave:** Any leave covered under the FMLA, including Workers' Compensation Leave, will be designated as FMLA leave, even if the employee does not request FMLA Leave. The County will normally use Form WH-382 to notify the employee whether the leave is designated as FMLA leave or not, and of the amount of leave that will be counted against the employee's FMLA leave entitlement.

In order to properly designate leave time, the County may exercise its right to authenticate that a certification document came from the health care provider indicated. Also, with the employee's permission the County may contact the health care provider for clarification of information on the form (e.g., can't read doctor's handwriting and need to know what the form states). The County may also have the employee obtain a second and third opinion medical certification at the County's expense.

If the employee is considered a "key employee" as defined in the FMLA, restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the County.

- g. **Activities While on FMLA Leave:** While on FMLA leave, no employee may engage in any activity, including other employment or work, which violates the employee's medical restrictions. If, while on FMLA leave, an employee chooses to work for someone else in a capacity that does not violate his/her medical restrictions, the County will not pay the employee sick, vacation or personal pay.

h. **Definitions:**

12-Month Period: A "rolling" 12 month period measured backward from the date an employee uses any FMLA leave. For the use of the 26 weeks of FMLA leave to care for an injured or ill covered service member, the 12-month period begins on the first day the employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

Serious Health Condition:

- An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- A serious health condition includes treatment by a health care provider and:
 - A period of incapacity due to pregnancy, or prenatal care;
 - A period of incapacity due to a chronic condition which:
 - Requires periodic visits for treatment by a health care provider;
 - Continues over an extended period of time; and
 - May cause episodic rather than a continuing period of incapacity;
 - A period of incapacity due to a permanent or long-term condition; or
 - Conditions requiring multiple treatments by a health care provider (for any period of absence).
- Absences for pregnancy and chronic serious health conditions qualify even though an employee does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

Continuing Treatment:

- A serious health condition involving continuing treatment by a health care provider means a period of incapacity of more than three (3) full consecutive calendar days combined with:
 - At least two treatments (in-person) by a health care provider within 30 days of the first day of incapacity; or
 - Treatment (in-person) by a health care provider at least once, which results in a regimen of continuing treatment under the supervision of the health care provider.
 - The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. "Incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition, or treatment or recovery from the serious health condition.
- i. **Military Family Leave:**Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.
- j. **Qualifying Exigencies:**May include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain

counseling sessions, attending post-deployment reintegration briefings, and special circumstances (if both the County and the employee agree to the leave).

- k. **Covered Service Member:**The FMLA permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
- l. **Benefits Continuation and Other Protection:**If the employee's leave qualifies as FMLA leave and the employee is covered by the County's health benefit plans, including the medical insurance plan, the County will maintain the employee's coverage as if the employee had continued to work, provided the employee makes appropriate premium payments. The employee will be responsible for making arrangements to continue to pay his/her share of the premium payments on all benefits that are continued during the leave.

The Finance Office can offer the employee various payment options and can assist in calculating the amount the employee will owe while on leave. Payment may be made by personal check or by other alternative methods the Finance Office can establish for the employee. If payment is more than 30 days late, coverage may be dropped. Any past due payments will be collected from the employee.

Medical premiums paid for an employee by the County during a leave must be repaid by the employee if the employee fails to return from leave, except if the reason is the continuation, recurrence, or onset of a serious health condition, or because of circumstances beyond the employee's control. Failure to return for other than these conditions is considered a qualifying event under COBRA, i.e. continuation of specified health related benefits.

- m. **Return to Work:** Most employees returning from an FMLA leave will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.

If the circumstances of an employee's leave change and he/she is able to return to work earlier than the date originally indicated, the employee is required to notify his/her supervisor at least two (2) workdays prior to the date he/she intends to report for work. If the employee's supervisor is unavailable, notification should be made to the next level of supervision or another designated officer of the County.

When an employee takes leave because of his/her own health condition, he/she is required to provide a fitness and ability to return to work statement from a licensed health care provider before he/she resumes his/her job duties. If such certification is not timely, the employee's return to work may be delayed until certification is provided. Unless the employee is released without restrictions, a list of the essential functions of the employee's position should be attached to the Designation Notice (Form WH-382) provided to the employee. If it is not, the employee should request a copy from his/her supervisor or a Human Resources Officer to provide to the health care provider when requesting the fitness-for-duty certification. The fitness-for-duty certification must address the employee's ability to perform the essential functions listed. The County reserves the right to determine which licensed health care provider is appropriate given the circumstances. If an employee fails to or cannot provide a fitness for duty certification, employment may be terminated.

For employees medically certified with a permanent or indefinite serious health condition, the employee may be required to present a fitness-for-duty certification in conjunction with an FMLA absence which occurs more than six months after the previous medical certification.

If an employee fails to report to work promptly at the end of the approved leave period, the County will assume that the employee has resigned.

n. Other Rights and Obligations:

The FMLA makes it unlawful and the County will not:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or
- Retaliate, discharge, or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA.

The County has posted and will continue to display the poster entitled "Your Rights Under the Family and Medical Leave Act of 1993."

Note: Questions concerning this policy should be directed to a Human Resources Department.

S. Catastrophic Leave

a. Definitions:

Catastrophic Illness: A terminal illness incurred by an employee, or other catastrophic and debilitating medical situation, or severely complicated disability or accidental injury, which causes the employee to be incapacitated from the performance of job duties for a prolonged period of time and thereby creates a financial emergency. This does not include absences due to care for family members or others. Final determination of what should qualify as a Catastrophic Illness is within the discretion of the Review Committee. It should be noted that this benefit is not bestowed upon an employee simply because he/she is on an extended medical leave. The criteria above, as well as minimum requirements listed below must be met in order to be considered for Catastrophic Leave.

Catastrophic Illness Leave: Sick Leave benefit accrued by County Employees, and voluntarily donated on a case by case basis to any Eligible Employee.

Eligible Employee: Any County Employee facing an Extended Leave of Absence who is determined by the Review Committee, on a case by case basis, to be eligible to receive Sick Leave transfers from other County Employees.

Extended Leave of Absence: The period of time a County Employee is required to be away from work because of a Catastrophic Illness in which the employee exhausts all forms of paid Leave, including Sick Leave, Annual Leave (Vacation), and Compensatory Time; and the period of time a County Employee may qualify for a leave of absence under County policy and the Family and Medical Leave Act of 1993 as determined by the County Judge.

Review Committee: A five-member committee that shall consist of the County Judge, One Justice of the Peace (selected on a rotating basis), an Elected Official other than the employee's department head (selected on a rotating basis), the Human Resources Director, and an employee from the requesting employee's department appointed by the requesting employee's Elected Official. Said committee shall have the final determination (based on majority vote) as to whether or not a County Employee qualifies as an Eligible Employee, thereby making the employee eligible to receive Sick Leave transfers from fellow employees.

b. Scope

This policy is intended to help those County Employees who experience a financial hardship as a result of a Catastrophic Illness that requires an Extended Leave of Absence from work.

General Terms/Steps to Filing Catastrophic Leave:

1. Any County Employee, or a member of any County Employee's immediate family, may request consideration for Catastrophic Illness Leave by submitting CATASTROPHIC LEAVE APPLICATION FORMS (available at Human Resources).
2. Upon receipt by the Human Resources Department, the HR Director will review the request to determine if the following **minimum requirements** for Catastrophic Leave have been met, if not, the request will not be processed.
 - Is the request for a County Employee with at least 2 years of service.
 - Will the employee miss at least 20 work days.
 - Did the employee have at least 80 hours of combined sick and annual leave accrued at the onset of the illness or injury.
 - Will all types of paid leave be exhausted.
3. Once proper application has been determined, the HR Department will notify employee's elected Official who shall complete the Catastrophic Leave Supervisor Verification Form and return to Human Resources in a timely manner. Once all required paperwork has been submitted to the Human Resources, the HR Director will schedule a meeting of the Review Committee within five (5) business days.
4. The Review Committee shall determine any County Employee's eligibility to receive a Sick Leave transfer from fellow employees, on a case by case basis, according to the terms herein. The Review Committee may require additional information or the presentation of reasonable documentation of the Catastrophic Illness in order to make its determination. Factors to consider include, but limited to, are: length of absence, employee's work and absenteeism record and general standing within the County, length of service, other sources of income, distance required to travel for medical attention, seriousness of illness, amount of financial assistance needed to make the employee whole, number of dependents...).
5. Once a County Employee is determined to be eligible by the Review Committee, the Human Resources Coordinator shall notify all County Employees that an Eligible Employee is in need of Catastrophic Illness Leave. The Human Resources Coordinator shall solicit volunteers to donate accrued Sick Leave to the Eligible Employee.
6. County Employees wishing to donate accrued Sick Leave to an Eligible Employee must sign an authorization form on a case by case basis. Such authorization form shall state the number of Sick Leave benefit hours the County Employee wishes to donate to the Eligible Employee; and such authorization form shall remain on file under the Eligible Employee's name in the County's Human Resources Office. Sick Leave shall only be transferred to the

Eligible Employee's Catastrophic Leave benefit when actually needed during the processing of payroll.

7. The Human Resources Coordinator shall randomly select a Sick Leave donor (or donors) from the authorization forms on file under the Eligible Employee's name. County employees may rescind their authorization to donate Sick Leave benefit at any time before their donation is randomly selected and processed.
8. Sick Leave benefit shall be donated on an "as needed" basis only. Only the specific amount of Sick Leave needed for a specific pay period shall be transferred from the randomly selected Sick Leave donor(s) for the benefit of the Eligible Employee.
9. The Sick Leave donor(s) shall be notified when his or her donation of Sick Leave benefit has been processed for the benefit of the Eligible Employee, that his or her accrued Sick Leave benefit has been diminished, and by what amount.

This process shall be repeated for each pay period as long as the Eligible Employee remains eligible to receive donations of Sick Leave and as long as there are employees willing to donate their accrued Sick Leave benefit.

At no time shall any Eligible Employee carry a balance of donated Sick Leave benefit. Sick Leave benefit shall not be "pooled" or left unassigned to any particular employee at any time.

If at any time an Eligible Employee returns to work or otherwise becomes ineligible to receive donations of accrued Sick leave, or in the event the Eligible Employee dies, all authorization forms on file under the Eligible Employee's name in the County's Human Resources Office shall be marked "canceled", and must be renewed should the employee become eligible again in the future.

The Human Resources Coordinator shall coordinate with the County Finance office to ensure the accurate accounting of all accrued and donated Sick Leave.

A County Employee may donate any amount of Sick Leave to the Eligible Employee, provided such donation does not cause that County Employee's own accrued Sick Leave benefit to fall below 120 hours.

A County Employee may not transfer Sick Leave upon retirement or termination.

This policy shall cover the transfer of Sick Leave only. Annual Leave (vacation), Holiday Leave, Compensatory Time, or any other accumulated time-off with pay benefit is not transferable.

T. Longevity Pay

Definitions

- **Longevity:** Longevity shall be defined as the length of continuous and uninterrupted service an employee has been with the County since their first day of hire to the present date. In the event of a layoff or reduction in the workforce, employees shall retain longevity, provided the employee is rehired with an adjusted longevity period.
- **Continuous and Uninterrupted Service:** Continuous and uninterrupted service shall be defined as employment with the County without a break in service through termination. Military leave does not affect longevity pay.
- **Regular Full-Time:** A regular full-time position shall be a regular County position requiring a minimum of thirty (30) work hours per week.

Amounts of Payment

All regular full-time County employees shall receive longevity pay as follows:

- After the first five (5) years of continuous and uninterrupted service, the sum of \$10.00 per month shall be earned in addition to the basic compensation.
- After each five (5) years of continuous and uninterrupted service thereafter, an additional \$5.00 per month for each of said five year periods shall be earned; provided, however, that \$30.00 per month shall be the maximum longevity pay.

The longevity pay schedule shall be:

- 5 Years \$10/Month
- 10 years \$15/Month
- 15 years \$20/Month
- 20 years \$25/Month
- 25 years \$30/Month

Date of Payment: Longevity pay benefits shall be paid in the first payroll cycle in December, to eligible full-time employees within available funds appropriated for such purpose.

Longevity Pay on Termination: In the event an employee is terminated prior to the first week in December, he shall be paid for accumulated longevity pay.

Article VI

Promotion, Transfer, Reclassification, Demotion & Special Assignment

- A. **Promotion:** Vacancies in the County shall be filled by promotion whenever practicable and in the best interest of the County. Vacancies are normally posted in the Fort Smith and Greenwood Courthouses, the County Intranet, and at other relative departments by the Human Resources Department, for a period of not less than three (3) working days and County employees may make application for such vacancies by contacting the Human Resources Department and the appropriate department supervisor. County management may, as it considers appropriate, make promotions without posting notices if the person promoted has been in training or groomed for the position.

Promotions shall be based upon merit and may be made from within the same department or between departments within the County. All persons must meet the minimum entry qualifications of the new position and have satisfactory performance appraisal records. An employee who is promoted often will receive a salary adjustment as well. See Pay Policy for details.

Note: No offer of employment, promotion or pay raise will be made prior to approval by the Human Resources Department pending review of legal, budgetary and policy concerns.

- B. **Transfer:** A transfer of an employee may be made between positions within a department or from a position in another department to a position with the same pay class, with the approval of the elected official. He/she shall be paid the same annual salary that he/she received prior to transfer (note: hourly rate of pay may need to be adjusted depending on base of 2080 or 2223 hours in order to keep annual salary the same). See Pay Policy for details.
- C. **Reclassification:** Positions may periodically be reviewed for proper grading when substantial job functions, duties and responsibilities have changed. See Pay Policy for details.
- D. **Demotion and Discipline:** When an employee is demoted (discipline or unable to perform reasons), or subjected to discipline which results in reduction of pay or position, the departmental supervisor must furnish the employee and the elected official with specific reasons for such demotion or discipline, in writing. A copy of the written reasons shall be filed in the employee's personnel file. Progressive discipline (oral reprimand, written reprimand, lay off without pay, or demotion before discharge) is encouraged where appropriate. In situations where a demotion occurs, the salary will be adjusted per pay policy. See Pay Policy for details.

If, for personal or other reasons, an employee requests in writing that he/she be assigned to a position of a lower classification, the departmental supervisor or elected official may make such a demotion. A copy of the employee's written request shall be filed in the employee's personnel file and noted on his/her personnel record as a voluntary demotion.

When an employee is to be demoted, he/she must be qualified for appointment to the position to which he/she is being demoted in the same manner as an original appointment.

An employee, who is demoted at his request, shall have his salary adjusted per policy. See Pay Policy for details.

- E. **Special Duty Assignment:**An employee who is approved for assignment to special duty may have his/her salary adjusted per policy. See Pay Policy for details.

Article VII

Code of Ethics

- A. **Ethics:**The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government. An officer or employee shall carry out duties assigned by law for the benefit of the people of the county. The officer or employee may not use their office, the influence created by their official position, or information gained by virtue of their position, to advance their individual, or an immediate member of their family, or an associate's personal economic interest, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally. ACA 14-14-1202(1).

The efficiency and effectiveness of county government depends on public trust and confidence. To maintain this trust, conformance to the standards is expected of each county employee. Violation of this code of ethics will result in disciplinary action or dismissal.

- County employees shall not grant any special consideration nor advantage to individuals or groups beyond that which is available to every other individual or group.
- County employees shall not engage in conflict of interest activities that prove to be incompatible with assigned duties, bring discredit upon the county or give them an advantage in their outside activities over persons working in similar vocations.
- County employees shall not accept gifts, services, gratuities, or favors, or engage in trading or bartering with those in custody or their families or friends.
- County employees shall not use county funds, supplies, or facilities for purposes other than to conduct official county business.
- County employees shall not use official positions to receive special favors for themselves or others.
- County employees shall exercise care and emphasize safety in the use of county property and equipment.

- County employees shall keep themselves physically fit, mentally alert, neat and clean, and shall perform their duties fairly, impartially and in a professional manner. Working under the influence of alcohol (Undercover Squad may be exempted) or any other narcotic or controlled substance shall result in absolute dismissal.
- County employees shall conduct themselves, both on the job and off duty, so as to command the respect of fellow workers and the general public.
- County employees shall not display prejudice against persons or organizations, thus affecting cordiality or contacts with other employees or the public.

B. Fraternization: While teamwork and good working relationships are encouraged at the County, in order to prevent favoritism or perceived favoritism, avoid misunderstandings, protect the County from sexual harassment and hostile work environment claims, avoid employee morale issues and interference with County operations, the County strongly discourages romantic or flirtatious relationships at work, and in particular those involving a supervisor and subordinate. Our policy is not intended to prevent employees from forming close personal relationships with colleagues or prevent romantic relationships from developing among peers, however, employees must understand where to draw the line with co-workers. If and when fraternization or a romantic relationship exists that in the County's view poses risk of a conflict of interest, disrupts our business, or creates an unprofessional work environment, the County may take action it deems appropriate to rectify the situation. Employees are encouraged to come forward before problems arise if they wish to proactively pursue possible reassignment or other remedies.

C. Conflicts of Interest: In limiting employees' involvement in certain outside activities, the County is not attempting to interfere in an employee's personal life, but rather to protect the best interests of the County and all its personnel. The County cannot permit employees to pursue activities which, in the judgment of the County, may be in conflict with the general welfare of the County or have the appearance of impropriety, or which might otherwise damage the County's reputation or interfere with the County's business or the proper performance of the employees' duties.

Certain activities which obviously are not proper for employees include, but are not limited to, employment with a competitor, use of the County's time, facilities or equipment to engage in another business or occupation, and any outside activity which results in the employee's losing time from work, being distracted from work, or otherwise performing unsatisfactorily, or which could result in an appearance of conflict. Employees should consult with a County official before engaging in any activity which might be covered by this policy.

D. Dress Code: Employees are representatives of the County and should dress appropriately for their position. If in doubt, ask your supervisor or Elected Official for guidelines as to what is appropriate for your department. Employees are subject to being sent home without pay in order to correct a dress code situation found to be inappropriate by one's supervisor. For safety and appropriateness reasons. Flip-Flops are never acceptable for work at the County.

E. Uniform Policy: Sebastian County intends to furnish regular full-time and part-time County Employees, within designated departments, with uniforms to facilitate employee identification in field operations and also provide a benefit to those employees whose normal job function result in abnormal wear to their clothing. The Quorum Court will authorize the appropriations for uniforms. The Elected Officials/Department Heads will have a department uniform policy. This policy should state which positions are provided uniforms, the amount of funding allocated per position, and whether uniforms are a condition of employment and must be worn every day during work hours. Per IRS guidelines, uniforms or clothing, provided by the employer or provided through an allowance to the employee, are excludable from taxable wages of the employee if they are:

- Specifically required every work day as a condition of employment
- Not worn or adaptable for general use as ordinary clothing

Uniforms or clothing provided by the County to an employee are includable in taxable wages of an employee if they do not qualify for the exclusion above. An example of nontaxable clothing is a Law Enforcement Uniform. Examples of taxable clothing include a detective's ordinary street clothes, work clothes a normal citizen would likely to wear, a shirt or jacket (even with County Logo) but not required to be worn daily. Purchased uniforms are property of Sebastian County and are subject to be returned upon termination of employment based on length of use, type of uniform and cost. Failure to return uniforms will be a cause for withholding from an employee's final paycheck.

Currently Sebastian County Departments with a uniform policy are:

- Sebastian County Sheriff Department
- Adult Detention Center
- Juvenile Detention Center
- Sebastian County Juvenile Department
- Sebastian County Treasurer/Collector
- Sebastian County Parks Department
- Sebastian County EMS and Rescue
- Sebastian County Emergency Management
- Sebastian County Courthouse Maintenance/Custodial
- Sebastian County Road Department

Article VIII

Grievance Hearing Procedure

- A. Scope:** A non-elected employee who is reprimanded, suspended, or terminated may appeal the employment action under the County's Grievance Procedures. These Grievance Procedures provide all regular full time and part time employees with a formal procedure to protest or dispute an adverse employment action through a pre-deprivation hearing as outlined in the steps below.
- B. Procedures:** It is the policy of the County to give prompt and impartial consideration to employee complaints. An employee having a grievance, complaint, or question concerning a condition of his/her employment should:

Step 1:

The aggrieved employee shall bring the grievance in writing to the attention of his/her supervisor within three (3) business days of the occurrence of an event giving rise to a grievance. The employee's supervisor should attempt to investigate the grievance, then meet with, discuss, and give a written decision to the employee within five (5) business days from receipt of the grievance. The investigation will be documented. If the grievance involves the immediate supervisor, the employee should bring the grievance to the next level of supervision.

Step 2:

If no settlement is reached in Step 1, the aggrieved employee may seek further review by referring said grievance in writing to the department head, or designee, within five (5) business days following receipt of the Step 1 decision. The department head, or designee, will meet with the aggrieved employee and the immediate supervisor within five (5) business days of receiving the written complaint in Step 2. A written record of the grievance, evidence discovered, and resolution results will be maintained in Human Resources.

Step 3:

If no settlement is reached in Step 2, the aggrieved employee may seek further review by referring said grievance in writing to the Human Resources Director, or designee, within five (5) business days of receipt of the decision in Step 2. The Human Resources Director, or designee, will meet with the aggrieved employee within five (5) business days. Both parties will be given the opportunity to present "their side of the story", including the presentation of documents and witnesses if desired. The meeting will not be cancelled due to the lack of attendance by a witness. The Human Resources Director, or designee, will give a written answer within seven (7) calendar days of the Third Step meeting. A written record of the grievance, evidence discovered, and resolution results will be maintained in Human Resources.

Step 4:

If no settlement is reached in Step 3, the aggrieved employee may appeal by referring said grievance in writing to the County Judge, or designee, within five (5) business days of receipt of the Step 3 decision. Rules of presenting evidence will be the same as in Step 3. The County Judge, or designee, will give a written answer within seven (7) calendar days of the Fourth Step meeting. The County Judge's opinion will be considered final under the County's Grievance Procedure. Written documentation of the evidence discovered and the final results will be maintained in Human Resources. Though not required, a court reporter may be utilized to record and document the proceedings of Step 4.

ROLE REVERSAL: In situations where the County Judge was personally involved in the discipline or discharge decision, the County Judge will reverse roles with the Human Resources Director in Steps 3 and 4, whereby the County Judge will meet with the aggrieved employee in Step 3, and if appealed to Step 4, the Human Resources Director will hear the appeal in Step 4 for the final review and decision.

TERMINATIONS:

The above procedures shall be followed in all grievance cases with the exception of a grievance arising out of a discharge. The aggrieved employee shall bypass steps 1 and 2 and file a written grievance directly with the Human Resources Director as instructed in Step 3 within three (3) business days of the date of notification of discharge. The grievance shall be handled thereafter as stipulated in Steps 3 and 4 of the grievance procedure. The employee is considered suspended with pay until the conclusion of step three (3) of the grievance procedure. Should the employee return to work as a result of the grievance decision, the employee will be made "whole" as if no suspension occurred, unless suspension without pay or loss of a benefit was a part of the decision.

TIME LIMITS:

The time limits specified shall exclude Saturdays, Sundays and holidays. Any time limit may be extended by mutual written agreement. Failure of the employee to timely advance a grievance shall result in it being resolved on the basis of the previous decision. Failure on the part of the County to respond timely shall result in automatic advancement of the grievance to the next step, except in the case of Step 4, whereby the grievance is considered open until the final decision is rendered by the County Judge.

Article IX

It Shouldn't Happen To You

A. Dismissals:

Dismissals are distasteful but they can happen. Actions against the best interest of the County and fellow employees that usually lead to dismissal include, but are not limited to:

- Safety violations: Disregard of safety policy. Any serious accident that is chargeable to or preventable by the employee.
- Dishonesty in any matter or theft of personal or County property of any value. Unexcused, frequent or prolonged absences
- Frequent tardiness
- Repeated inability or repeated refusal to work in harmony or cooperation with fellow employees and supervisory personnel.
- Indecent or immoral conduct or language will not be tolerated. Drinking alcoholic beverages or consuming drugs during regular working hours, coming to work, and/or operating a company vehicle at any time under the influence of liquor or drugs is strictly prohibited.
- Conviction of a criminal or traffic offense that would prevent an employee from completing his/her regular job duties.
- Obtaining or conveying without the Management's approval, confidential financial or business information concerning the County or its trade secrets or customer base employee information.
- Willful destruction of the County's personal property.
- Falsification of records or information furnished to the County.
- Verified complaints by members of the general public or actions toward present or potential customers that affects the business or reputation of the County.
- Threats of violence, physical violence or sexual harassment.
- Possession of weapons either on your person or in a company vehicle, excluding law enforcement employees as needed in performance of job duties.
- Upon termination, an employee is required to relinquish all of the County's property, including printed materials.

Article X

Your Work Environment

A. Rules and Conduct Guidelines: Employees of The County are considered employees at-will. Therefore, either the employee or the County may terminate employment at any time and for any reason. The appearance and conduct of all employees in the work areas reflect on the image of the County. Employees must, therefore, perform their duties efficiently, courteously, and to the best of their abilities. Our rules are not intended to limit the proper rights of anyone. They are intended to protect the rights of everyone. You are expected to demonstrate good judgment, ethical personal behavior and common sense. If your conduct as an employee comes into question, the County will make an effort to resolve the matter fairly.

Failure to comply with the following rules may result in disciplinary action, up to and including termination:

- You are expected to be at your work place and ready to work at the established starting time and are expected to remain at these positions and perform work assignments until the end of your work shifts.
- Certain protective equipment, when provided by the supervisor, must be properly utilized as directed.
- You must report all injuries or accidents to your supervisor at once.
- You are not to cause or perform shoddy or defective work.
- You must be physically and mentally capable of performing your work.
- You must perform all assigned duties and fulfill your responsibilities to the customers and the County. Productivity and workmanship must be up to acceptable standards.
- You must be available for work as scheduled or requested.
- You will be responsible for all property that has been placed in your custody.
- You will not neglect your job duties or responsibilities, nor refuse any work assigned to you.

Note: The foregoing rules are not intended to be inclusive of the required standards of conduct which employees must observe at all times.

- Employees are expected to refrain from actions that will reflect poorly on themselves and or the County. Certain actions may subject an employee to disciplinary action, including termination. The following are examples of conduct which is prohibited and may result in disciplinary action, including termination. This list, of course, is not all-inclusive and may not apply in instances where such activity is required as a function of the job, as in law enforcement.

- Bringing firearms or weapons of any kind, intoxicating liquors or narcotic drugs into the office or onto the premises of work.
- Being on the job while under the influence of alcohol, drugs or intoxicants of any type.
- Falsifying information on client forms, reports, records, including personal absence, sickness, time cards and work records.
- Falsely stating or making claims of injury.
- Removing or using, without authority, property, records or other materials of the County or its customers or other persons.
- Fighting or threatening, intimidating or coercing any visitor, customer or employee.
- Damaging or destroying customer or County property or wasting of materials.
- Loitering or sleeping while on duty.
- Refusing to follow a supervisor's directions or instructions or other insubordinate conduct.
- Violating safety and health rules or practices, or engaging in conduct that creates a safety hazard, including those safety policies of our customers.
- Leaving your department or work before the end of the shift without the authorization of your supervisor.
- Using the County's facilities and time for personal business, or unauthorized possession or use of the County's keys.
- Soliciting or accepting tips or other forms of compensation from visitors, customers or other employees.
- Engaging in any form of discrimination or harassment. (See Harassment Policy for details.)
- Taking other employees' property or that of customers without the County's permission.
- Operating a company vehicle in a negligent manner, or allowing non-approved persons to operate County vehicles or equipment.
- Utilizing company equipment for personal gain.
- Failing to report an accident immediately.
- Poor performance of job responsibilities, including excessive absenteeism or tardiness.
- Using a company vehicle for personal use, except as allowed by law.

Article XI

Workplace Violence Policy

It is the policy of the County that rules and regulations regarding behavior in the workplace are necessary for the efficient operation of the County and for the benefit and safety of all employees. Management cannot prevent violence in our workplace alone. This must be a joint effort by every employee. The County encourages each employee to report possible problems to management.

Conduct that interferes with operations, that discredits the County, or that is offensive to customers or co-workers will not be tolerated whether that conduct be that of an employee, associate of an employee, customer or visitor. Any act of violence which impacts the workplace will be cause for investigation and subject to action by the County. Violence is any act of aggression or any statement which could be perceived as an intent to cause harm to the County or an individual whether personal, such as physical or emotional, or impersonal, such as property damage or theft.

A. General

Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the County. Such conduct includes:

- Complying with all of County safety and security regulations and policies;
- Complying with the County's harassment policy;
- Treating all customers, visitors, and co-workers in a courteous manner;
- Reporting to management suspicious, unethical, or illegal conduct by co-workers, customers, visitors, or suppliers without fear of retaliation;
- Cooperating with County investigations;
- Handling the property of the County and of individuals with care and respect to the owner.
- The following conduct is prohibited and may subject the individual involved to disciplinary action, up to and including termination:
 - The use of profanity or abusive language;
 - The possession of firearms, explosives, weapons (including hunting weapons), on County property, Law Enforcement excluded when needed as a function of their job;
 - Fighting or assault on a co-worker, customer, security staff, or visitor;
 - Threatening or intimidating co-workers, security staff, customers, or visitors;
 - Retaliation for having reported inappropriate conduct or for having cooperated in an investigation of inappropriate conduct;
 - Intentional interference with an employee's work;
 - Theft, destruction, defacement, or misuse of County property or of the property of an employee, customer, or visitor.

This listing is illustrative of the type of behavior that will not be permitted. It is not intended to be an all-inclusive listing. Any violation of the County's policies or any conduct considered inappropriate or unsatisfactory may, at management's discretion, subject the employee to disciplinary action, up to and including termination.

B. Procedures

It is every employee's responsibility to ensure that his or her conduct does not include or imply breach of this policy. Furthermore, it is every employee's responsibility to report suspicions of such behavior, whether by an employee or non-employee, to an appropriate member of management. If, however, violence, threats of violence or suspected violence to a person or property has taken place or is taking place, the following will apply:

Any violence, threat of violence or suspected violence to person or property should be reported to the employee's supervisor. If the threat or action involves the supervisor, then it should be reported to the management of the County. An oral or written statement setting forth all pertinent facts will be required.

Should an employee receive a bomb threat, the employee should notify his or her supervisor immediately. The supervisor should notify the Elected Official, or his or her designate, of the County immediately, as well as the Sheriff's Office.

Any supervisor who receives a report of, has knowledge of, or suspects the occurrence of violence or threats of violence, should promptly assess the most important action to be taken first. That action may involve notifying the management of the County, or other action to ensure the direct safety of personnel or property. In all cases, management should be notified as promptly as possible.

The management of the County will work with the supervisor in investigating the report and will determine the appropriate action and/or discipline to be taken with the offender up to and including termination.

The management of the County will work with employees who report that they have been subjected to violence to support efforts to reduce the harm which has been or is being done.

Appropriate confidentiality and documentation of each report should be maintained.

Article XII

Smoking Policy/Open Flames

The Arkansas Clean Indoor Act of 2006 (“Act”) prohibits smoking in all enclosed areas within places of employment and public places. Accordingly, smoking is prohibited inside all County facilities. Employees who must smoke may do so outside beyond the posted “No Smoking” signs, or other areas designated by the County. Anyone who does smoke has a special obligation to keep smoking areas litter-free and not to abuse break policies. This smoking policy applies to all employees, visitors, and customers.

The Arkansas State Fire Code, Section 308.3, strictly prohibits the use of open flames, including candles, in a public building, unless permitted by the Fire Marshal. In regards to the safety of the public and county employees, there will be no burning of candles, incense or any other flame producing product within a County building. Maintenance staff will ensure that proper permits are obtained for jobs that require welding, soldering or use of any open flame.

Article XIII

Audio, Video and Photo Policy

Unless needed as a function of their job, no employee may use any audiotape, videotape, digital recording device, camera, or any other image or audio recording device, (including cameras or recording devices that are included in cellular phones, personal digital assistants, or “SmartPhones”) for any purpose while on County Premises without the express written permission of the Elected Official. Any employee in violation of this policy is subject to discipline, up to and including termination of employment. Employees are placed on notice that a violation of this policy may also be a violation of Arkansas State Law.

Article XIV

Maternity/Pregnancy Leave

See FMLA policy.

Article XV

Physical Exams

After making a conditional job offer, and before an individual starts working for the County, the County may require an employee to submit to certain medical examinations consistent with federal and state law.

Article XVI

Personal Business

Your work is important to the success of the County. While at work you are expected to conduct yourself appropriately. Please do not conduct personal business or any outside business of any kind while at work. To do so is unfair to your co-employees and the tax payers of the County.

Article XVII

Outside Employment (“Moonlighting”)

Occasionally, an employee, in addition to working with us on a full-time basis, may also be working for himself or someone else on a part-time basis. This practice, commonly referred to as "moonlighting" may not be objectionable to the County. An employee should discuss this employment with their Elected Official before engaging in such activities.

Employees should refrain from engaging in other employment if that employment:

- Is inconsistent with the interest of the County;
- By reason of association, could have a derogatory effect on the County;
- Could involve performance of any services for customers on non-working time that are normally performed by County personnel; and/or
- Requires the use of County tools or equipment.

If the County determines that any of these conditions are applicable, the employee will be given the option of leaving the outside employment or being terminated by the County.

Article XVIII

No Solicitation/Distribution

Persons who are not employed by the County are not permitted to distribute materials or solicit on County property or in work areas at any time. There shall be no solicitation of any kind, including solicitations for memberships or subscriptions, at any time by employees during their working time or in such a way as to interfere with the work of other employees. No distribution of literature or materials of any kind, including circulars, shall be permitted in any work area during working time.

The County maintains bulletin boards for the sole purpose of communicating information from the County to its employees and to post notices required by law. Only designated personnel may place notices or take down materials from the bulletin boards.

Article XIX

Security

It is the policy of the County to develop, implement, and amend security policies for the purpose of protecting the property of the County as well as the property and lives of the employees of the County and our customers. By accepting employment with the County or by continuing your employment with us, you agree to abide by all written and verbal policies or instructions with regard to security issues.

A. Guidelines:

- All desks, cabinets, lockers, vehicles or work spaces, are and remain the County's property and subject to its control, inspection or search at any time, without notice. You should have no expectation of privacy in these areas. Further, any property or other items considered in violation of County rules or policies, or state or federal law may be removed.
- Within the County's discretion, local, state or federal authorities may be permitted access to premises to search or inspect the County's desks, vehicles, lockers, storage or work spaces, computers, computer files, e-mail, and other property to investigate and make arrests for possible violations of law.
- With regard to property owned by you that you bring onto the property of the County, the County reserves the right to:
 - Use undercover investigators, electronic, video, and audio surveillance to enforce the County's rules and local, state or federal laws, to the extent such surveillance is not prohibited by law; and
 - Make changes in its security policies.

The County is not responsible for your personal property brought onto the premises.

Except as specifically authorized by County management, no firearms, explosives, weapons, alcohol or controlled substances are permitted on County premises or at any place of work at any time.

With regard to any internal management investigation, you have an obligation to fully cooperate in any investigation, including the truthful communication of all knowledge that you might have concerning the matter being investigated. Failure to cooperate, in any manner, with such an investigation, may result in disciplinary action, up to and including your termination of employment.

- B. Keys and Keycards:** Employees who are issued keys and/or keycards must sign for receipt of such property. Keys and keycards remain property of Sebastian County, must be kept secure, and must be returned upon termination of employment. See Sebastian County Key and I.D. Policy and related forms.

Article XX

Internet and e-Mail Policy

Because of the unique nature of E-mail/Internet and because of the County's desire to protect its interest with regard to its electronic records, the following guidelines have been established to address E-mail/Internet usage.

The County's E-mail and Internet systems (including any method of video streaming) are to be used for business purposes only. You may not use them for personal purposes during working time. All E-mail and Internet records are considered records of the County and are subject to inspection and disclosure by the County, law enforcement or government officials or to other third parties through subpoena or other process.

You should not have an expectation of privacy in E-mails or Internet usage and should not consider these records as private or confidential. Even when a record is erased, it is still possible to retrieve the record. The County has the right and ability to track, review, audit, or disclose any records originating and/or accessed by you.

The County's E-mail and Internet systems should not be used to create or disseminate any discriminatory, defamatory, offensive, disruptive, or otherwise inappropriate or unprofessional communications. Among those considered inappropriate or unprofessional are any communications which contain sexual implications, racial slurs, gender-specific comments, or any other comment that inappropriately or unprofessionally addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

The County's E-mail and Internet systems should not be used to access any discriminatory, defamatory, offensive, disruptive, or otherwise inappropriate or unprofessional web sites (e.g. pornographic sites, hate speech, criminal skills, illegal drugs, etc.). You are prohibited from using County e-mail or internet systems to perform any act which is illegal or otherwise in violation of any applicable federal, state, or local laws.

Failure to comply with this policy will result in appropriate disciplinary action, which may include termination of employment. Any non-compliance that is in violation of state or federal legislation may also result in penalties specified by the law.

Article XXX

Social Media Policy

Generally, employees' personal lives are not the concern of the County. However, employees' use of social media can pose risks to the County's confidential and proprietary information, reputation and brands, and can jeopardize the County's compliance with business rules and laws. Due to the popularity of weblogs ("blogs") and social networking sites such as Facebook and Twitter, the County has developed this Social Media Policy ("Policy").

Unless needed as a function of their job, employees are prohibited from engaging in blogging or accessing/posting on social networking sites (including, but not limited to, Facebook, MySpace, Twitter, BlogSpot, Friendster, YouTube, and Xanga) during working time (including via personal cell phones during working time) or while using County equipment (Breaks and Lunch Periods are not considered working time for this purpose).

Employees' blogging or accessing/posting on social networking sites while not on working time and while not using County equipment must comply with the following guidelines. Failure to comply with these guidelines may result in disciplinary action, up to and including termination.

When employees identify themselves as County employees on blogs or social networking sites, they are increasing the risk of potential harm to the County. Therefore, employees should be mindful of the fact that when they identify themselves as County employees on their blogs or social networking sites, they may be opening the door for more County involvement with their conduct outside of work. The lines between public and private, personal and professional are blurred in online social networks.

- Employees must adhere to all laws and regulations for communication with employees, customers, clients, or vendors.
- Employees must adhere to the County's harassment policy and are prohibited from using blogs or social networking sites to harass, bully, or intimidate employees, customers, clients, or vendors.
- Employees are also expected to adhere to all County policies, regardless of whether the policies are specifically addressed in this Social Media Policy.
- Employees with concerns about their employment or County leadership are encouraged to address those concerns with their department head or Human Resources Director, rather than on their blogs or social networking sites.
- The County's logos, taglines, slogans, or other trademarks may not be used on blogs or social networking sites.

- Employees should remember that they are personally responsible for content they publish on blogs and social networking sites. Based on the content they publish, employees can be held liable for defamation, harassment, libel, and the like.

If the County becomes involved in litigation and the content of certain password-protected employee blogs or social networking sites is at issue, it is possible that a court of law may issue an Order directing the employee to provide access to the County so that the County can respond to discovery requests and provide other relevant information.

This policy does not prohibit employees from communicating about terms and conditions of employment.

Due to the fast-paced evolution of blogs and social networking sites, this Policy is subject to revision and/or modification at any time.

Article XL

Vehicle Safety Policy

A. Objective:

County vehicles will be operated and maintained according to the County's policy to ensure the safety and security of employees, contractors and families. Employees shall ensure that rental or personal vehicles used on County business are operated per this policy.

B. Scope:

This policy applies to all County employees that operate a County vehicle as a function of their job and approved contractors while working for the County.

- Covered Vehicle:** This policy covers any County vehicle assigned to an employee, any pool vehicle used by an employee on County business, any personal vehicle used on County business with operating expenses reimbursed by the County to the employee and any rental vehicle used by an employee on County business. This policy also includes all heavy equipment.
- Training:** A common minimum training program will be implemented. All County employees that operate a covered vehicle as a function of their job will attend a program such as "Defensive Driving."
- Driver Behaviors:** All occupants of covered vehicles must wear seat belts whenever the vehicle is in motion. The driver is responsible to ensure all occupants buckle up. The driver is responsible for ensuring that passengers are carried in vehicles appropriate for passenger

- use. For unusual driving, each driver should risk assess his route, times driven, traffic congestion, weather conditions, etc. All driving employees must adhere to all traffic laws. Employees will not exceed any posted speed limit. Employees who become fatigued while driving will stop and rest before continuing. Trip planning should strive to minimize night driving. Radar detectors are not allowed in County vehicles or rental cars. Employees are encouraged to drive with lights on anytime they are driving a covered vehicle.
- d. **Permissive Users:** Any active, full-time employee that has been approved by their Elected Official can operate a County vehicle.
 - e. **Driver Restrictions:** Operating a covered vehicle under the influence of alcohol or any illicit drug is strictly prohibited. Operating a covered vehicle while under the influence of some prescription drugs may constitute a violation. Possession of or transportation of alcohol and/or illicit drugs is strictly prohibited. All employees must comply with state licensing regulations and all state restrictions. The County will require proof of issue on an annual basis. All violations must be reported immediately to your supervisor and the Human Resources Director. Use of a County vehicle for personal use is strictly prohibited, except as allowed by law.
 - f. **Emergency Preparedness:** All County vehicles will have, at all times, current licensing, current registration and current proof of insurance. DOT regulated vehicles will comply with state and federal regulations.
 - g. **Contractors:** The County must determine if each contractor's vehicle safety policy is at least equal to the County's policy. Contractors that do not meet the County's standard will be required to develop action plans to improve their policy to the County standard.
 - h. **Driving Measures:** The County will determine and report vehicle accident frequency rates. Frequency rates will be reviewed quarterly. Action plans will be developed and implemented to improve driver safety.
 - i. **Accountability:** All County employees will be accountable for knowing and following the driving policy when driving for the County.
 - j. **Cell Phones & Pagers:** The intent of this policy is to eliminate or minimize the driver usage of cell phones, 2-way radios and any other communication equipment while a covered vehicle is in motion. Specifically, drivers are restricted from initiating a call while in motion. In all cases, the driver must evaluate the risks of answering and taking part in conversation based on his/her current and/or anticipated driving environment. The preferred action would be to inform the calling party that a response will be made if and when the vehicle can be safely stopped and positioned. Drivers must make certain they do not stop in an unsafe manner or location.
 - k. **Trailer Towing:** Trailer towing should be eliminated or minimized unless necessary to do a job. If a trailer must be towed, the driver must conduct a pre-trip safety inspection of the trailer. All federal, state and local requirements for towing shall be followed. Loads,

equipment and other items shall be tied-down or secured before commencing motion. The load carried must fall within parameters of trailer capacity.

- l. **Vehicle Equipment and Configuration:**Vehicles will be equipped with only necessary equipment and laid out or positioned in the safest configuration.
- m. **Vehicle Inspection:**Those assigned a vehicle will periodically inspect said vehicle to ensure it is in safe and proper operating condition. Vehicles that are not safe or roadworthy should display an “Out of Service” note on the steering wheel and not be driven.
- n. **Damage to Covered Vehicles:**If the vehicle assigned to you is damaged or destroyed as a direct result of your negligence or an unexplained act, you may be fined up to \$500.00. This fine will be deducted from your earnings, if approved by the Human Resources Director.

Article L

Reservation of Rights

The County reserves the right to interpret, change, rescind or depart from this policy in whole or in part without notice. Nothing in this policy alters an employee’s status. The County hopes each employment relationship will be happy, productive and enduring. Nevertheless, employees remain free to resign their employment at any time for any or no reason, without notice. Similarly, the County retains the right to terminate any employee at any time, for any or no reason, without notice.

Article LX

Summary

We sincerely hope that this booklet will help in acquainting you with the highlights of the County’s policies, benefits, and opportunities. Obviously, it is impossible to include in this booklet all of the details regarding these subjects. It is also important to state that we believe the content of these subjects will change as we improve our ability to meet the needs of the County and our employees. We, therefore, encourage you to seek answers to your questions and to make recommendations concerning you and Sebastian County, Arkansas. Updates to this document may be made periodically. The most up to date version can normally be found on the Sebastian County website.

For Drug and Alcohol Testing Policy

I, _____ do hereby certify that I have had an opportunity to review the County's Substance Abuse Policy, (the "Policy") and state that I understand its contents. I further state that I have had an opportunity to ask questions concerning it. I recognize that the County may change this Policy at any time without employee consent.

I agree that:

1. I have been informed of and understand my obligations under the County's drug and alcohol testing policy and the drug and alcohol regulation of the U.S. Department of Transportation.
2. I understand that the use or possession of alcohol in any form is prohibited in the workforce, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident.
3. I understand that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and
4. I understand that I may be subject to drug and alcohol testing in other circumstances including, but not limited to, post-accident and when the employer has reasonable suspicion to believe I was engaged in prohibited actions concerning controlled substances or alcohol.
5. The following shall result in immediate discharge:
 - a. Refusal to take a mandated test for drugs or alcohol;
 - b. A positive drug test result (once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test); or
 - c. A positive alcohol test result.

I understand that the Policy is intended to set forth an overview of the County's Policy towards substance abuse, and in no way is intended to create an express or implied contract. I recognize that the County may change this Policy at any time without employee consent.

Witness

Employee Signature

Date

Internet and E-Mail Policy Acknowledgment

I hereby acknowledge that I have read the County's Internet and E-mail Policy and understand my responsibilities to comply with the acceptable usage principles contained in it and this Acknowledgment Form. I understand that I have no privacy expectations in my E-mails or Internet usage, and that the County has the right and ability to monitor and review this information. I understand the privileges and responsibilities associated with accessing these systems and confirm that I have the obligation to ask questions and discuss areas of uncertainty with the Officers of the County and/or my immediate supervisor.

Employee Printed Name _____

Employee Signature _____

Date _____

Acknowledgment of Policies and Procedures

In consideration of my employment, I agree to conform to the rules and policies of Sebastian County. I understand that my employment and compensation are at-will and can be terminated for any reason or no reason, and with or without notice, at any time, at the option of either the County or myself.

Safety is a condition of employment. The County Safety Policy will be strictly enforced.

I hereby acknowledge that I have read and understood the contents of the Handbook and will be cooperative in complying with the policies stated herein. I understand that revisions may be made to the Handbook at any time. Further, I agree that THE HANDBOOK IS NOT A CONTRACT OF ANY KIND, IMPLIED OR EXPRESSED, INCLUDING ONE FOR EMPLOYMENT, BUT IS FOR MY INFORMATION ONLY. MY EMPLOYMENT RELATIONSHIP is not for a definite period of time, and may be terminated by either the County or myself at any time, for any reason, with or without cause.

Employee Printed Name _____

Employee Signature _____

Date _____

Acknowledgement of Security Policies

I acknowledge that it is the policy of the County to develop, implement, and amend security policies for the purpose of protecting the property of the County, as well as the property and lives of the employees of the County. By accepting employment with the County, or by continuing at my employment with the County, I agree to abide by all written and verbal policies or instructions with regard to security issues.

I acknowledge that all desks, cabinets, locker, vehicles, or work spaces are and remain the County's property and subject to its control, inspection or search at any time, without notice. I acknowledge that I have no expectation of privacy in these areas. Further, property identified in the search that is in violation of the County's rules or policies, or state or federal law may be removed.

I acknowledge that, within the County's discretion, local, state or federal authorities may be permitted access to premises to search or inspect the County's desks, vehicles, lockers, storage or work spaces, contents and property to investigate and make arrests for possible violations of law.

Use security detection or inventory or access control devices; systems or personnel;

Use undercover investigators, electronic and eyewitness surveillance to enforce the County's rules and local state or federal laws, to extent such surveillance is not prohibited by law; and

Make changes in its security policies.

I acknowledge that the County is not responsible for my personal property brought onto the premises.

I acknowledge that, with regard to any internal management investigation, or any external law enforcement investigation, I have an obligation to fully cooperate with the investigation, including the truthful communication of all knowledge that I might have concerning the matter being investigated. I understand that failure to cooperate, in any manner, with such an investigation, can result in my discharge from employment.

I acknowledge that no firearms, explosives, weapons (including hunting weapons), alcohol, or controlled substances are permitted on the County's premises or at my place of work at any time, except as required as a function of my job.

Employee Name (Print or Type): _____

Employee Signature: _____