

RESOLUTION NO. 2000-01

**A RESOLUTION ADOPTING AN EMPLOYEE POLICIES AND
PROCEDURES MANUAL FOR THE CITY OF CHEROKEE VILLAGE.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. That the Employee Policies and Procedures as set out in a final draft dated January 6, 2000, by the City Clerk/Treasurer and Alderman Roger Radebaugh is hereby adopted by reference herein, as if set out word for word.

SECTION 2. Should any of the provisions of these Employee Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: January 17, 2000

APPROVED: Marjorie A. Rogers
Marjorie A. Rogers, Mayor

ATTEST: Susan E. Maynard
Susan E. Maynard, Clerk/Treasurer

EQUAL OPPORTUNITY EMPLOYER

The City of Cherokee Village is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the City does not discriminate on the basis of disability. The City's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.

POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a permanent employment position. Such examinations shall be paid for by the City and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examination shall be performed by licensed physicians selected by the City of Cherokee Village. These medical files shall be maintained in the physician's office with a summary report provided to the City of Cherokee Village whether the employee can or cannot do the job, and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the City of Cherokee Village. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examinations.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the City of Cherokee Village to be kept in a confidential file apart from the Personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.

FITNESS FOR DUTY EXAM

Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the City of Cherokee Village shall take such action that is necessary for the good of the service.

AT-WILL EMPLOYER

The City of Cherokee Village is an at-will employer. This means that the City of Cherokee Village or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employee relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time.

THE OMNIBUS TRANSPORTATION
EMPLOYMENT TESTING ACT OF 1991

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

OTHER DRUG AND ALCOHOL TESTING

Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlined in the City's policy on this subject. All employees must obtain from the City of Cherokee Village the City's written substance abuse policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the City's Substance Abuse Policy.

UNIFORMED SERVICES

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

FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires that cities offer up to twelve (12) weeks of **unpaid**, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by foster-care arrangements.
- The care of an immediate family member (spouse, child or parent) who has a serious health condition; and
- The inability of a city employee to work because of a serious health condition which renders employee unable to perform the essential functions of his or her job.

The Federal Act requires that the City maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave.

To be eligible for the FMLA benefits employees must:

- Be employed by the City for at least one year.
- Have worked 1,250 hours over the previous twelve (12) months preceding the leave request.

City employees must use vacation or accrued leave before FMLA leave will be granted. City employees are required to provide advance leave notice in writing to the employee's supervisor (at least 30 days) when leave is foreseeable (such as childbirth, adoption or planned medical treatment, or as early as possible if the leave taken is not foreseeable 30 days in advance). The City requires written medical certification that the leave is needed due to the employee's own serious health condition or that of a family member. Depending on each individual situation, the City may require a fitness for duty report to return to work.

The City understands that upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits and other employment terms. Furthermore, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Additional information and forms may be obtained from the City Clerk.

COURT DUTY LEAVE

Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the City of Cherokee Village a copy of the summons or other relevant court-related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

OCCUPATIONAL INJURIES

All employees of the City are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the Department bulletin boards.

ACCIDENTAL INJURY

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

REFUSAL TO WORK

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

RESIGNATION / TERMINATION

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

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

As mentioned elsewhere in the Handbook, all employment relationships with the City of Cherokee Village are on an at-will basis. Thus, although the City of Cherokee Village hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

CONDUCT TOWARD THE PUBLIC

Employees of the City of Cherokee Village shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the City.

In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the City and further, one which generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he would like to be treated: with courtesy, patience, respect and understanding. **This attitude or approach to public service cannot be over emphasized.**

When an employee is not certain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

UNIFORMS AND PERSONAL APPEARANCE

Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the City of Cherokee Village. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If any employee is not sure what is appropriate attire, the employee should check with his supervisor or department head.

GUIDELINES FOR APPROPRIATE CONDUCT

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

Whether an employee is on-duty or off-duty, his or her conduct reflects on the City. An employee should observe the highest standards of professionalism at all times.

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

1. Falsifying employment or other city records;
2. Violation any city nondiscrimination and/or harassment policy.
3. Soliciting or accepting gratuities from citizens;
4. Excessive absenteeism or tardiness;
5. Excessive, unnecessary or unauthorized use of city property;
6. Reporting to work intoxicated or under the influence of nonprescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
7. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except when authorized;

8. Fighting or using obscene, abusive or threatening language or gestures;
9. Theft of property from co-workers, citizens or the City;
10. Unauthorized possession of firearms on city premises or while on city business;
11. Disregarding safety or security regulations;
12. Insubordination;
13. Neglect or carelessness resulting in damage to city property or equipment.

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

ABSENTEEISM AND TARDINESS

The City of Cherokee Village expects all of its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers, who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give proper notice to his or her supervisor. Unexcused absences and tardiness could result in disciplinary action.

"Proper notice" is defined by the City to be notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of one (1) day or part thereof (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the department head or the employee's supervisor should be deemed absent without leave. Such absence shall be without pay.

OUTSIDE EMPLOYMENT OR MOONLIGHTING

If any employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.

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

OUTSIDE COMPENSATION

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

USE OF NARCOTICS, ALCOHOL AND TOBACCO

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

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

Each department head or supervisor may establish smoking rules or guidelines for his or her departmental employees.

SEVERABILITY

Should any of the provisions of these Employment Policies and Procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures shall remain in full force and effect.

To the extent that any law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

SEXUAL HARASSMENT

The City of Cherokee Village is strongly committed to protect each employee from any type of sexual harassment, blatant or subtle. Sexual harassment is:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

-submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

-submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

-such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive working environment.

If you have a complaint of sexual harassment at work, bring it to the immediate attention of the Mayor, unless the Mayor is involved in the complaint. In this event, bring it to the attention of the Council member that has been appointed "City Liaison".

Complaints will be investigated promptly! All complaints will be handled confidentially.

TRAVEL POLICY

City employees, traveling on "City" business, will be reimbursed \$.30 per mile for their travels. City officials will NOT be reimbursed for their travel costs. The miles traveled to an educational seminar or convention are eligible for reimbursement.

Any travel to an educational seminar or convention must have the prior approval by the Mayor, and must be included in the city budget.

Meals and lodging costs will be reimbursed for all city employees when traveling on business that takes them away from the City. City officials will have lodging cost reimbursed when away from the City, but not their meals unless included in the cost of the educational seminar or convention.

VACATION POLICY

POLICE DEPARTMENT

The Chief of the Police Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay.

All employees of the Police Department shall accumulate vacation time at the rate of one and one-quarter (1 1/4) working days for each month of working service.

It is the specific duty of the Police Chief to see that each employee of the Police Department take ALL of their vacation time before the end of the calendar year - no vacation time will be allowed to be carried over into the next calendar year.

ALL NON-POLICE EMPLOYEES

Vacation time is granted to all employees who have completed twelve (12) months of service, based on average hours worked per week. (ie; if an employee worked an average of 20 hours per week, they would get 20 hours vacation after 12 months of service.

Full-time employee vacations will be:	0-12 months	None
	1 to 2 years	5 working days
	2 to 5 years	10 working days
	6 years and more	15 working days

All vacations must receive prior approval from the Mayor, and may not be carried over to the next calendar year.

This vacation policy is temporary for non-police employees until the City hires full-time employees in the future.

HOLIDAYS AND HOLIDAY PAY

All salaried city employees shall be eligible for the following paid (determined by the average hours worked in a typical week) holidays:

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Christmas Eve

Christmas Day

* The above holidays are based on State holidays.

OVERTIME PAY

Except for Police Officers, the City has the option of giving compensatory time, or paid overtime, for hours worked in excess of 40 hours per week for all salaried employees. All overtime, both compensatory time and overtime, shall be accrued at the rate of 1 1/2 hours for each hour of overtime hours worked. All overtime must be pre-approved by the Mayor. An employee cannot accrue more than 120 hours of compensatory overtime (80 worked hours), and no compensatory overtime can be carried over to a new year without the Mayor's approval.

For Police Officers, the City has the option of giving compensatory time or paid overtime, for all overtime hours. All overtime, both compensatory time and overtime, shall be accrued at a rate of 1 1/2 hours for each hour of overtime hours worked. All overtime off must be pre-approved by the Chief of Police.

Police Officers working a scheduled eight-hour shift, would have standard hours in a 28 - day work period of 171 hours. Hours worked above the 171 hours would be paid as compensatory time off.

Employees who miss a shift due to illness, vacation, personal leave, or any other reason, will not have those hours count as hours worked for compensatory time.

Police officers can accumulate up to 480 hours of "comp time"¹ (320 hours worked). After an employee accumulates the maximum compensatory time, the employee must be paid in cash for overtime worked.

Employees may use accrued "comp time" within a reasonable period of time after requesting it if to do so would NOT "unduly disrupt" the operations of the City.

Upon termination, "comp time" owed the employee must be paid based on the average regular rate of pay for the final three years of employment or the final regular rate received, whichever is HIGHER.

All overtime must have approval from a superior.

SICK LEAVE

POLICE DEPARTMENT

All Police Officers shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, at the end of an officer's term of service, upon retirement or death, whichever occurs first, any unused accumulated sick leave will be paid at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be paid out when an officer's employment terminates for any other reason. Payment for unused sick leave shall NOT exceed sixty (60) days' salary.

CITY SALARIED EMPLOYEES

Sick leave shall accumulate at the rate of one (1) day per month, after the first six months of employment, to a maximum of sixty (60) days. Sick leave will not be paid out to employees who terminate their service for any reason (retirement, death, or termination).

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

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness in the immediate family which would require the employee to take care of the family member(s).
- Medical, dental, and optical visits.

In order to receive sick leave pay, an employee who is unable to report to work due to one of the previously listed sick leave reasons shall report the reason for the absence to the employee's supervisor within two (2) hours from the time the employee is expected to report for work.

Employees who are absent more than three (3) consecutive days due to unconfirmed illness will be required to submit a physician's return to work statement.

Absence for part of a day shall be deducted from earned sick leave in amounts of not less than one-half (1/2) day increments.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. All employees may use sick leave in this fashion for a maximum of six (6) months.

FUNERAL OR BEREAVEMENT LEAVE

Full time employees will be paid for regularly scheduled hours taken off from the date of death through the date of the burial of a member of the employee's immediate family. This is usually limited to three (3) days. Immediate family is typically defined as parents, brothers, sisters, spouse, children, step-children, grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law for purposes of this policy.

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

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

MATERNITY LEAVE

Employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave will be granted for maternity use after which leave without pay must be used.

DISCIPLINARY ACTION

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory including any other city policy, rule or regulations, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action MAY include, but is not limited to:

- **Warning or Reprimand.** A warning or reprimand is action used to alert the employee that their performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees must be officially reprimanded in writing.

- **Suspension.** Suspension involves the removal of an employee from the job, normally without pay.

- **Demotion.** A demotion is an action that places the employee in a position of less responsibility and less pay.

- **Termination.** This type of disciplinary action is the removal of an employee from city employment.